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ABSTRACT

This report is the second in a series of analyses by the Southern Education Foundation (SEF) of minority opportunity in higher education in the South. In this report, the focus is on the status of blacks in higher education in the 19 states that at one time operated dual systems of public higher education. Data were collected for each state on indicators of access and success for public systems of higher education, with a focus on 4-year institutions. These indicators included, among others, population characteristics, family income, high school graduation, postsecondary enrollment, degrees, fields of study, and representation of faculty. Data collection was complemented by surveys and interviews with individuals knowledgeable about public higher education in each state. In these states, public higher education continues to be segregated in practice. The historically black institutions remain overwhelmingly black, and the traditionally white institutions remain the province of white students. While the number of black students entering higher education has grown since the 1970s, the percentage of blacks among freshmen is almost unchanged. Nine of the states reported that the proportion of blacks in their freshman classes actually declined between 1991 and 1996. The economic circumstances of black students in these states remain a barrier to many who want to pursue a higher education. In addition, these 19 states provide more financial aid without consideration of students' family income than do other states. The flow of black students entering higher education, relatively small to begin with, virtually dries up at the postgraduate level. In no state does the representation of blacks among doctoral degree or first professional degree earners reflect their representation in the population. Black faculty are also underrepresented in every state. In spite of the mandate of United States v. Fordice, the court decision that ordered states to desegregate their colleges, many states have failed to develop a comprehensive plan to cure inequity in higher education. Some suggestions are made for attaining

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educational equity in public higher education. Three appendixes contain information on developments affecting black students in these states, a summary of recommendations from the SEF report "Redeeming the American Promise," and state income data. (Contains 13 figures.) (SLD)

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Miles To Go

A Report On Black Students And Postsecondary Education In The South

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The Southern Education Foundation

For more than 130 years the Southern Education Foundation (SEF) and its predecessor funds have worked to promote equity and quality in education in the South, primarily for black and disadvantaged citizens. As a public charity, the Foundation operates its own programs and takes a direct and active role in promoting positive change in education in the region.

SEF was created in 1937 when four funds committed to improving education in the South were incorporated to form a single philanthropic entity. These funds were: the Peabody Education Fund (1867), created by George Peabody to assist in the education of "children of the common people in the more destitute portions" of the post-Civil War South; the John F. Slater Fund (1882), the first philanthropy in the United States devoted to education for blacks; the Negro Rural School Fund (1907), created by Philadelphian Anna T. Jeanes, to support black master teachers who assisted rural Southern schools; and the Virginia Randolph Fund (1937), created to honor the first of these "Jeanes teachers" with monies raised from Jeanes teachers across the South.

As part of its mission to promote equity in education in the South, the Foundation has been closely involved in efforts to desegregate higher education. For many years, in response to the litigation in *Adams v. Richardson*, it was at the center of private efforts to affect public decision-making about black public colleges and universities and to enhance the effectiveness of these institutions.

Following the U.S. Supreme Court's 1992 decision in *United States v. Fordice*, SEF established a program in Educational Opportunity and Postsecondary Desegregation which undertakes research, disseminates information and works with policymakers to provide opportunity in public higher education in the South. In 1995, SEF published *Redeeming the American Promise*, a comprehensive set of findings and recommendations about the status of minorities in public higher education in 12 states.

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Preface

Miles to Go is the second in a series of analyses by the Southern Education Foundation (SEF) of minority opportunity in higher education in the South. We focus here on the status of blacks in public higher education in the 19 states that at one time operated dual systems of public higher education.

The Southern Education Foundation is an Atlanta-based public charity concerned about equity in all of public education. Since the early 1970s, it has been directly and deeply involved in efforts to transform public higher education in the formerly segregated states. In 1992, following the United States Supreme Court decision in *United States v. Fordice*, which ruled that states must eliminate the vestiges of officially imposed segregation from their public colleges and universities, SEF, with major support from the Ford Foundation, initiated a new program called Educational Opportunity and Postsecondary Desegregation. SEF, through the program, convened a panel of educators, civil rights leaders, public officials, activists and lawyers. The panel undertook an intensive 18-month investigation into the status of minority students in public higher education in 12 of the 19 states that we now review here.

In 1995, SEF released *Redeeming the American Promise*, a comprehensive report of the panel's findings and recommendations. *Redeeming the American Promise* found that, 41 years after the United States Supreme Court's historic decision in *Brown v. Board of Education*, not one of the 12 states that the panel examined could demonstrate real success in desegregating its higher education system. The report analyzed the legal context for opportunity in postsecondary education, provided data on minority student access to and success in public higher education, and offered three principles to guide states in the development of higher education systems where students' chances of success would not be limited by their race. Finally, *Redeeming the American Promise* made ten recommendations which, if followed, could transform the existing systems.

The current report, by exploring in more detail the status of black students in all of the 19 states affected by *Fordice*, significantly expands the scope and depth of our earlier investigation. Data were collected for each state on indicators of access and success for public systems of higher education, with a specific focus on four-year institutions. Indicators included, among others, population characteristics, family income, high school graduation, postsecondary enrollment, degrees, fields of study and representation of faculty.

Data collection was complemented by surveys and interviews with individuals in each of the states who are involved directly in or are close observers of public higher education. Questions were posed to educators, policymakers and individuals at organizations that oversee, research and monitor education. Some interviewees collaborated on responses with colleagues; some referred interviewers directly to others with more knowledge of a specific area. Many of the interviewees later amended their answers in writing.

Responses to the questions were compiled and summarized for each state. Copies of each state's summary were then provided to the head of its system of higher education for review and comment. Where appropriate, comments were incorporated into the state summaries.

In addition to examining changes in educational policies and practices with real or potential impacts on black students, we also undertook a detailed analysis of relevant legal developments since *Fordice*. There have been new decisions, and we present a separate chapter on what they may mean for opportunity in postsecondary education.

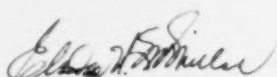
Miles to Go was written by Robert A. Kronley, Senior Consultant to SEF and Director of its Program on Educational Opportunity and Postsecondary Education, and Claire V. Handley, Program Associate at the Foundation, who serves as the Project's Assistant Director.

This report is one element of a comprehensive effort which includes monitoring and analysis of developments that bear on minority opportunity in public higher education throughout the region, technical assistance to states and dissemination of information about the status of minority students in postsecondary education in the South. Over the next few years, as we provide periodic supplements to the information presented in this report, we will scrutinize more closely the efforts of states to improve opportunity for both black and Hispanic students, and compare the progress of each state more directly with the others.

Six years after the Supreme Court's decision in *Fordice*, and three years following the release of our first report, access to and success in higher education continue to remain elusive for too many black students. Opportunity has not yet been realized in the higher education systems of these 19 states.

There are, to be sure, promising practices underway in all of them. There is also a growing number of policymakers and educators who support and promote these practices and who, at the same time, realize that their implementation is only the first tentative step toward creating systems of higher education that are driven by opportunity. It is our hope that this report encourages them to continue on that path.

August 1998



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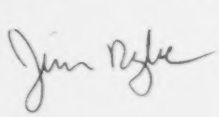

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The advisory committee to this project – consisting of educators, lawyers, legislators and others who have served in a policymaking capacity – helped set the course of this investigation, suggested approaches, provided strategic guidance, and reviewed and critiqued multiple drafts of the report. Their commitment to this work reflects long-standing dedication to the realization of equity in postsecondary education.

We should like to thank Michael Nettles and Laura Perna of the Frederick D. Patterson Research Institute of the United Negro College Fund for their assistance in data collection and analysis. We are deeply grateful to John Borkowski of Hogan and Hartson for his insights about and thorough analysis of a changing legal context. Eileen O'Brien and Charles Dervarics researched developments in the states, undertook detailed fact finding, conducted interviews and prepared materials. Beth Rudowske did a painstaking job of editing.

We want to thank the staff of the Office for Civil Rights at the United States Department of Education. Many of them took time from busy schedules to provide us with important information and to encourage us in this effort.

Finally, we should like to recognize the contributions of the scores of people in the 19 states who responded graciously and with patient goodwill to our many requests for information and materials. Many of these individuals – educators, administrators, policymakers, researchers, analysts and concerned citizens – expressed an interest in this work that went far beyond their professional responsibilities. They spoke of their frustrations but, more important, of their hopes to create systems of higher education that will truly benefit all students in their states. It is to these concerned and caring people that we dedicate this report.

Robert A. Kronley

Claire V. Handley

Executive Summary

Race remains a powerful and persistent barrier to the full and equal participation of blacks in higher education in the 19 states that previously operated segregated colleges and universities. Despite some promising initiatives in these states, remnants of the past continue to restrict opportunity for black students, limiting their aspirations and threatening a region's hopes for a brighter future.

For, as this report finds, access to public higher education remains elusive for black students.

- Public higher education continues to be segregated in practice. Historically black colleges are overwhelmingly black and traditionally white institutions remain the province of white students. In 13 states, the majority of black freshmen enrolled in public institutions were at historically black colleges and universities or community colleges. Moreover, while in 1996 blacks accounted for 20.0 percent of the 18- to 24-year-old population in the 19 states, they comprised only 8.6 percent of first-year students at flagship universities.
- While the number of black students entering higher education has grown since the 1970s, the percentage of blacks among freshmen is almost unchanged. Nine of the states reported that the proportion of blacks in their freshman classes actually declined between 1991 and 1996.
- The economic circumstances of black families – a continuing legacy of discriminatory policies and practices – are a major barrier to many black students who wish to pursue higher education. Typically, average black family income in the 19 states was less than two-thirds of average white family income in 1995. In 12 states, at least 30 percent of all black families had incomes under $10,000. Consequently, recent efforts to create and increase tax cuts to offset college costs may not benefit many black families with low incomes, who do not earn enough to tax.
- The 19 states provide significantly more financial aid without concern for students' family income than the rest of the states. On average, Southern states distributed more than one-third of all their financial aid without consideration of need – more than 10 times the percentage of aid being distributed on a non-need basis in the other 31 states.

What happens to black students in the colleges and universities of these 19 states affects more than one region. In 1996, almost three-fourths of all first-time, full-time black freshmen in public universities were enrolled in these states. Their success remains relatively limited.

- Over the past 20 years, the representation of blacks among bachelor's degree earners has barely increased, moving from 8.5 percent to just 10.3 percent between 1976 and 1995. This slight increase, while positive, still leaves blacks considerably underrepresented. Had the number of black students earning bachelor's degrees in these states reflected their actual representation in the population, holding all else equal, 71,764 blacks would have earned degrees – *almost twice as many as the 36,402 who actually did.*
- The relatively small flow of blacks entering the higher education pipeline practically dries up in postgraduate programs. In no state does the representation of blacks among doctoral degree or first professional degree earners reflect their representation within the population. Black representation in graduate programs is confined, moreover, to just a few fields of study. Nearly half of all black doctoral students (47.2 percent) earned degrees in education, while fewer than 5 percent earned degrees in engineering or the physical sciences.
- Black faculty, essential for providing role models and mentoring, are substantially underrepresented in every state. Only five states were able to report black representation of more than 10 percent among full-time faculty as late as the 1995-96 academic year. Yet, even in these states, black faculty are largely limited to community colleges and historically black colleges and universities (HBCUs), as it is across the South.

There is much to do before opportunity in postsecondary education is realized.

- In each state, there are individuals and institutions with genuine commitment to fostering equity in higher education. Their energy and creativity has resulted in a number of promising practices and policies, some of which are highlighted in this report. Small in scale, these efforts have real potential to improve access and success for black students throughout the region. The potential of these efforts too often, though, has gone unrealized, for programs have been unconnected to comprehensive plans to promote equity. Many of these initiatives have been implemented largely in isolation from one another and from other reform activities that are underway at all levels of education in these states.
- *United States v. Fordice*, the United States Supreme Court decision which mandated that states take affirmative steps to desegregate their colleges, is the law of the land. Despite this, many states – reacting in part to a federal court of appeals decision that does not apply to them – have failed to develop a comprehensive plan to cure continuing inequities. Failure to plan – and to make the underlying commitment to ridding themselves of the remnants of segregation that a comprehensive plan necessitates – has greatly limited states' ability to develop and implement efforts to foster equality in higher education.

Background: Segregation's Enduring Effects

Miles to Go expands on the Southern Education Foundation's 1995 report, *Redeeming the American Promise*, which provided a comprehensive assessment of minority opportunity in higher education in 12 of the 19 states that are treated here. The earlier report made recommendations which, if followed, could lead to transformed systems of higher education where students' choice of institutions and chances of success are not hindered by race.

The vision of transformed, nonracial systems is based upon three principles set forth in *Redeeming the American Promise*. State systems of higher education must become **student-centered,** approaches to opportunity must be **comprehensive,** and higher education must place strong emphasis on **accountability** – for students and faculty, colleges and universities and, ultimately, for the systems themselves.

Redeeming the American Promise's data, principles and recommendations attracted significant attention in several Southern states, among them Virginia, Maryland, Mississippi and Kentucky. Yet, despite some hopeful signs of progress in these and other states, the good intentions expressed by many educators and policymakers have not yet been matched by the statewide, systemic focus necessary to transform public higher education in ways that will eliminate the vestiges of the past and promote opportunity for all. The progress that has been made is halting and is now threatened.

While some of the reasons the limited gains we have seen are now endangered are rooted in state policies and practices, others arise out of America's long-standing dilemma about race. They include:

• ***Wishful Thinking.***

Increases in the *number* of blacks receiving bachelor's degrees from public institutions in the 19 states have led to celebration and a sense that extraordinary efforts are no longer needed to remedy the effects of years of discrimination. To the extent that these numerical gains reflect the determination and efforts of students, parents, educators and policymakers to make higher education more accepting and supportive of black students, they are a source of happiness and pride. When we look beneath the surface, however, it becomes all too clear that the celebration surrounding these increases obscures the profound challenges that we still face. Although the number of blacks receiving bachelor's degrees has grown by almost 13,000 in an 18-year period, the *proportion* of blacks among bachelor's degree earners has barely budged.

• ***Misinformed Perceptions.***

Attempts by some legislatures to limit race-sensitive measures that promote minority access to higher education as well as the passage of Proposition 209 in California, which effectively bars race as a factor in admissions and financial aid decisions in the state's public universities, reflect the perception that unreasonable and unfair utilization of preferences is giving minorities benefits they have not earned. These sentiments are particularly strong when they focus on admission to post-secondary education, and nowhere is admission more coveted than to flagship universities. Yet it is in these institutions that black access to higher education remains most restricted. Flagship universities – selective and prestigious – remain today overwhelmingly white institutions.

• ***Adverse Court Rulings.***

Aspects of the public mood both reflect and contribute to judicial decisions that negatively affect minority opportunity. *Hopwood v. University of Texas School of Law*, decided in 1996 by the Fifth Circuit Court of Appeals, held that diversity is not a compelling reason to consider race in student admissions. This decision substantially restricted the ability of educators to remedy the effects of discrimination in Texas' university system. Although *Hopwood* is limited to one judicial circuit and has only been fully followed by one state, the threat of *Hopwood*-type litigation in other states has curtailed new initiatives to promote equity and opportunity. Rather than confront directly the factors that limit black access to and success in higher education, many states are now pursuing more broadly based reform efforts which all too often fail to address the unique challenges that decades of discrimination have imposed on black students.

At the same time, however, many states are reluctant to discard existing practices that promote equity. These practices – found in almost every state, developed in good faith and implemented conscientiously – seek to increase opportunity for black students. Higher education systems are consequently struggling with issues – played out every day on their campuses – which resonate deeply in the national consciousness. A profound public ambivalence about race is reflected in the actions – and inaction – of policymakers and educators.

To maintain the current pace of progress is to fall behind. Our future is inextricably bound to our success in educating minority students. We are a long way from meeting the challenge that lies ahead.

Powerful Remnants, Piecemeal Responses – A Regional Overview

There are 19 states that at one time operated dual systems of public higher education. Despite the *Hopwood* ruling, each of these states is bound by the United States Supreme Court's mandate in *United States v. Fordice* to take "affirmative steps" to rid itself of the remnants of its segregated past. While each state is different from the others, their collective history has spawned a common condition: opportunity in public higher education for black students remains substantially restricted and far less than that of whites. Progress, where present, has been ragged, and efforts to promote it have been fragmented and, for the most part, based on narrow programmatic innovations rather than comprehensive, statewide commitments.

Access

Access to high-quality, four-year institutions is the fundamental element in building opportunity-driven systems of higher education. We are not there yet. In most of the states that we looked at, the representation of blacks among first-time, full-time freshmen at four-year public institutions lagged behind their representation within the 18- to 24-year-old population in 1996. While in a handful of states black representation among first-time, full-time freshmen actually exceeded their representation within the 18- to 24-year-old cohort, in other states there continued to be significant disparities. In Georgia, blacks represented more than 32 percent of the 18- to 24-year-old population but less than 24 percent of the first-time, full-time freshmen enrolled at four-year public institutions. South Carolina, where blacks comprised 20.2 percent of first-time, full-time freshmen but made up 36.1 percent of the relevant population, had the greatest disparity.

The disparity between the representation of blacks among freshmen and among 18- to 24-year-olds reflects the limited progress that states have made in promoting access for black students. Over 20 years, black students' access to higher education remains virtually unchanged. In three states, the representation of blacks in the freshman class is less than it was two decades ago; five states have not moved a full percentage point.

In many instances, the access black students have to public higher education is limited to particular institutions. Southern states have made insufficient progress in desegregating their colleges and universities; blacks often do not go to school with whites, and whites rarely go to school with blacks. Black students' choices are limited, and, for the most part, black freshmen continue to be concentrated in two-year institutions and HBCUs.

In the three years since our last report, there has been little effort in the states to develop new comprehensive plans directly and unequivocally devoted to fostering increased black access to higher education. There have been more general efforts at educational improvement, some of which may promote more equal access to postsecondary education. Among the new initiatives are changes in financial aid policies,

new college admission requirements, limits on remediation, and efforts to forge more comprehensive connections among elementary and secondary education, two-year and four-year colleges.

• New Financial Aid Policies

Higher education is getting more expensive. Nationally, between 1990 and 1995, tuition increased 26.6 percent. These rising costs affect all students, but they burden most those with the least income. In these 19 states, those with the least income are disproportionately likely to be black – average black family income is significantly less than average white family income, sometimes almost 50 percent less. Typically, black family income is barely two-thirds of white family income. Consequently, black families must devote considerably more of their income to college costs than white families.

Financial aid programs are essential to alleviating some of the burden students and their families face in meeting college costs. Many of these programs have continued to grow; most of the growth, however, has been in loans, not grants. In the last two years, though, policymakers have begun focusing on grant programs. At both the federal and state levels, new, often large, scholarship programs have been created, most of which require high levels of academic achievement. These new programs are welcome because they are providing generous support to some black students as well as to other students who may not otherwise have been able to attend college. They also hold out the promise of higher education to younger students in elementary and secondary education, perhaps motivating them to higher levels of achievement.

These new programs, however, are targeted, for the most part, to middle-income families and likely will not promote additional access for the significant number of low-income black students in the region. Federal and state governments should now turn their attention to the needs of low-income students and invest more in need-based financial aid.

An additional source of financial support for black students is also under attack. Race-sensitive scholarships remain a contentious issue. A number of challenges, some successful, have been filed to limit or abolish these efforts. Despite these developments, some form of race-sensitive scholarships persists in most of the states we analyzed, although in many places they are operated at the institutional rather than at the state level.

• Changes in Admission Standards and Remediation Policies

Throughout the region, higher education systems are raising performance expectations for all students. These often translate into higher admissions requirements for applicants. In some cases, these tougher admissions standards are connected to new, more rigorous curriculum standards in K-12. The new curriculum standards can benefit black students as much as their white counterparts. If, however, they are poorly conceived and arbitrarily applied, they will threaten both student motivation and achievement and be perceived as a means of perpetuating inequities rather than fostering excellence. Effective curriculum standards can spur students to learn; ineffective standards, though, will serve as yet another barrier to access.

In many states, the adoption of new admissions standards in higher education coincides with moves to abolish remedial courses at four-year institutions. Georgia has determined to eliminate remedial programs by the year 2001; other states have similar plans. Mississippi also attempted to remove remedial education from its four-year institutions; its efforts, though, have been questioned by a federal court of appeals.

The adoption of tougher admissions standards and the abolition of college-based remediation raise issues about access to higher education. The important question facing states is how the more stringent standards ought to be developed and implemented. In designing and administering new

admissions policies, officials should be mindful of the continuing effects of poor preparation in elementary and secondary education. States should make every effort to tie new admissions requirements to long-term efforts to improve K-12 education.

• Building More Comprehensive Systems

A few states have decided to establish stronger and more formal connections between their K-12 and higher education systems; Georgia and Maryland are at the forefront of this movement. Efforts to build these comprehensive linkages are particularly important for black students as these links are built on the understanding that poor preparation in elementary and secondary schools profoundly affects access. They also promote the involvement of families and the community in efforts to foster new awareness of what is required to gain admission to and successfully complete postsecondary education.

Major barriers to equitable access continue to limit the representation of blacks in higher education. To correct these inequities, admissions and financial aid policies must take into account the vast history of discrimination that has led to the inadequate preparation for college that black students frequently receive and the profound income disparities between the races. States must dismantle what too often remains two systems of public higher education; their universities must reflect the diversity of their citizenry.

Success

In most states whites continue to be overrepresented among degree earners and blacks remain significantly underrepresented. It has taken 19 years for the representation of blacks among bachelor's degree earners to creep upwards 1.8 percentage points. This gain, small as it is, was by no means steady. Between 1980 and 1990, 16 of the 19 states lost ground in the proportion of blacks among bachelor's degree earners.

Just as important is the number of black students admitted to college who fail to graduate. At every step in undergraduate education, there are fewer and fewer black students. While success is not guaranteed for white students, they move more steadily toward it.

The struggle for success evident in undergraduate education continues in graduate education. The higher the degree, the lower the representation of blacks. After almost 20 years, these states have made almost no progress in increasing the percentage of blacks in graduate programs – the proportion of blacks among doctoral degree earners has not moved a full point.

This low production of Ph.D.s has had a devastating effect on black presence on faculties. Black faculty, essential for providing role models and mentoring, are substantially underrepresented in every state.

Barriers to blacks' success in college – inadequate preparation, unfriendly campus climates, lack of effective counseling and mentoring, and insufficient financial aid – are long-standing. Institutions are trying to address these problems in a programmatic fashion. We believe that the impact of these programs would be greater if they were part of a comprehensive approach to the full range of problems that black students face. Yet even this comprehensive approach will not succeed without a sense of urgency – an explicit recognition by campus, system and state leaders that the low rate of black success is unacceptable and a strong commitment of resources and energy to improving it.

Accountability

As states apply new and more rigorous standards to their students, they also must look closely at their own performance. Transformed systems of higher education must be built on a bedrock of accountability. We looked at developments in three areas that can affect state and institutional accountability

for improved access and success for black students: performance funding; new and more comprehensive reporting requirements; and the responsibility of the federal government, particularly that of the Department of Education's Office for Civil Rights, in prodding states to promote opportunity in public higher education.

• Performance Funding

In recent years, a growing number of states have turned to performance funding. These mechanisms reward institutions for meeting specific goals or indicators. While South Carolina and Missouri have explicitly tied performance funding to promoting equity, other states, for the most part, have not. Instead they have created or refined performance programs with scant attention to indicators of minority access and success, forgoing a chance to establish opportunity as a priority across their systems.

• New Reporting Requirements

Real accountability cannot exist without information on which to judge progress, and several states are making strides in establishing systemic reporting requirements. Some of these reporting requirements are closely related to attempts to create more comprehensive, unified systems of education. High schools in Arkansas, Kentucky, Maryland, Oklahoma and Virginia are among those that get reports on the college progress of their graduates. Georgia is developing a comprehensive database that will allow educators to track students' progress from kindergarten through higher education. A new law in Missouri requires reporting back to high schools.

• The Federal Responsibility

While responsibility and authority for promoting opportunity rests with the 19 states, history makes clear that the unequivocal enforcement of the law and the persistent pursuit of equity by the federal government are critical to efforts to dismantle segregation. Within the federal government, responsibility in this area rests in large part with the Department of Education's Office for Civil Rights (OCR).

Since the decision in *United States v. Fordice*, OCR has announced its intention to look at the status of minority students in six states: Florida, Kentucky, Maryland, Pennsylvania, Texas and Virginia. In some of these states, OCR is pursuing a "partnership" approach. The partnership process seeks to establish a dialogue and "direct cooperation and interaction" between the state and OCR. It is seen as a collaborative approach toward identifying and resolving problems related to the desegregation of public higher education.

OCR's work is at different stages in each of the six states. Efforts are furthest along in Florida, a partnership state, where an agreement between the state and the agency has been reached. OCR has also entered into a sometimes tenuous partnership in Pennsylvania, and, although it is not a partnership state, OCR describes its current review of Texas as cooperative. The agency recently announced its intention to work in Virginia, but it has not taken any action yet in Kentucky or Maryland. In addition to the six states listed above, OCR has been active in Ohio, where it helped broker an agreement to aid the state's beleaguered HBCU, Central State University.

Regardless of how the agency characterizes its involvement with the states – as a partnership or a traditional investigation – it is clear that OCR is displaying heightened sensitivity to states' perspectives. The effect this will have on opportunity in public higher education remains to be seen.

While the partnership approach perhaps offers new means of achieving equity, it is important that OCR maintain a continuing commitment to the elements which distinguished its earlier efforts to ensure fairness in higher education: prompt engagement of those states where issues warrant review, zealous uncovering of facts, clear articulation to the states and the public of the legal issues involved, and as timely a resolution as circumstances and fairness warrant.

Restricted Remedies: The Legal Context for Reform

The legal landscape around opportunity in higher education has continued to evolve since the Supreme Court's 1992 decision in *Fordice*. Foremost, the remedies adopted, approved and implemented in the states with active higher education desegregation litigation in the last three years have been limited in scope. In addition, lower federal courts have begun to restrict the means by which state education officials can promote equity and diversity, at least where there has not been a finding of unremedied racial discrimination. Both of these developments create additional challenges for states wishing to ensure genuine access to higher education for all citizens, regardless of race.

• Higher Education Desegregation Cases

Over the past three years, most of the decisions directly addressing higher education desegregation have come from the lower federal courts of the Fifth and Eleventh Circuits. The United States Supreme Court has not accepted another higher education desegregation case for review since *United States v. Fordice*. In Mississippi, the plaintiffs in *Fordice* appealed several aspects of the district court's 1995 remedial order. The major issue on appeal was whether the district court erred in approving uniform admissions standards for all eight public universities in Mississippi.

The Fifth Circuit upheld the new admissions standards; it expressed concern, however, about the state's implementation of a new summer remedial program which was to assist students in meeting the standards. The court noted that the new remedial program was "untested" and might not accomplish the goal of identifying and admitting students capable of doing college-level work. It urged the district court to monitor the future performance of this program. It also observed that, in implementing its new admissions standards, Mississippi had eliminated most of the previously existing remedial programs. These existing programs provided academic assistance to struggling students during the academic year. The appeals court recommended that the district court consider reinstating these programs.

The Fifth Circuit did not affirm the district court's ruling in all respects. It reversed the district court's conclusion that Mississippi's use of ACT cutoff scores in allocating undergraduate scholarships was not a vestige of segregation. The court found that scholarships based on ACT scores were disproportionately awarded to white students despite the fact that black applicants were more likely to need financial aid.

Plaintiffs appealed the portion of the Fifth Circuit's decision dealing with admissions standards and funding for the state's universities to the Supreme Court. In January 1998, the Court refused to hear the appeal.

In June, the district court issued a ruling which, among other things, ordered the state to monitor closely the impact of the new admissions standards on black freshmen – whose numbers have been falling since the new standards were implemented. The court also allowed additional discovery, signaling that 23 years of litigation would, at least for now, continue.

In Alabama, the district court in *Knight v. Alabama* declined to order several program transfers from traditionally white institutions (TWIs) to historically black colleges and universities because the court deemed these programs important to the mission of the TWIs. The district court did, however, call for increased funding and additional programs at HBCUs. It ordered the state to pay a minimum of $100 million over the next 15 years to improve academic programs offered at HBCUs. It also found continuing "segregative effects" in Alabama's land-grant funding policy. Alabama has since appealed the district court's decision in *Knight*; as yet, there has been no decision in the appeal.

• Related Developments

In 1996, in *Hopwood v. Texas*, the Fifth Circuit struck down the University of Texas School of Law's (UTL) race-conscious

student admissions process, which was designed to diversify and desegregate its student body. Two of the three judges on the panel in *Hopwood* rejected the widely accepted interpretation of the Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*, which held that diversity is a compelling governmental interest that can justify the consideration of race in the student admissions process. In addition, all three judges of the court rejected the way UTL used race in the admissions process as a voluntary remedy for past discrimination.

The Fifth Circuit disallowed the district court's consideration of past discrimination by the Texas education system as a whole or the university system as a whole, and held that only the law school's own past discriminatory acts are relevant in considering remedies. This analysis conflicts with the rationale of the Supreme Court's *Fordice* decision, which suggests that states may need to take "system-wide" steps to desegregate their systems of higher education.

In barring the consideration of race in admissions policies, *Hopwood* drastically limited Texas' ability to ensure equal access in higher education. Widespread application of *Hopwood* would substantially restrict the steps states can take to desegregate their higher education systems. *Fordice*, however, is still the law and, as the 19 formerly segregated states move to meet the *Fordice* standard, they will find it difficult to craft meaningful remedies that do not take race into consideration.

Hopwood itself may only apply to Texas since the other states in the Fifth Circuit, Louisiana and Mississippi, have active desegregation litigation, and there is no specific language in *Hopwood* to suggest that the decision applies to those states where desegregation orders are already in place. The most significant impact of *Hopwood*, therefore, may actually be outside of the three states of the Fifth Circuit where some policymakers, fearing legal challenges, have begun limiting programs targeted to black students. It is in these states that the tension between *Hopwood* and *Fordice* must be resolved.

Changing States: New Developments in the 19 States

Although each of the 19 states treated in this report has developed new policies and implemented new practices that will affect opportunity in postsecondary education, none has yet used the *Fordice* decision to develop a comprehensive plan to promote increased black student access to and success in its higher education system. States are exploring and have embraced new approaches to accountability, success and access. What is often missing from these efforts, however, are initiatives that are directly targeted to overcoming circumstances that segregation has imposed on black students. In other instances, where programs geared to removing the vestiges of discrimination exist, they are treated as stand-alone efforts and often implemented in isolation from other reforms.

This situation poses a clear challenge to the states. They must build on the promising practices they are developing while they act on the realization that programs, by themselves, will not result in transformed systems of higher education. Real change must be connected to a comprehensive opportunity-driven plan that reflects a powerful commitment to equity.

Conclusion: Staying the Course

Substantial remnants of segregation continue to burden each of the 19 states that at one time operated two systems of colleges and universities, hobbling the participation of black students in postsecondary education. These states have only just embarked upon the road to opportunity. They are nowhere close to completing the journey.

Despite the disappointing results of the last three years, we believe that most, if not all, of these states are eager to put the past behind them and to create systems of higher education that are renowned for their dedication to opportunity for all students. In order to do so, many of the states that at one time responded to demands for equality with a defiant "*never!*" are now asking "*how?*"

The recommendations that we made three years ago begin to answer the states' question. They are a starting point for the development of higher education systems where access to college and success in it are not constrained by race. These recommendations will not be easy to implement. Effective efforts to make them real require three commitments.

The first of these is fidelity to law. *United States v. Fordice* is the law of the land. In dismantling dual systems of higher education, states must be guided by the *Fordice* mandate, and not be distracted by, nor hide behind, lower court decisions that do not apply to them.

Second, states must embrace a comprehensive approach to improving their postsecondary systems. The programmatic innovations utilized by the great majority of these states will not be enough to engender real reform, for what happens on one level of education affects and is affected by what happens on each of the others. Promoting opportunity in postsecondary education requires close cooperation between elementary and secondary schools and postsecondary systems. It also requires the involvement of other sectors: federal and state governments, business, nonprofit organizations, and citizen groups. Each has a different role to play, but all are essential if we are going to build systems of higher education that are free of the vestiges of a segregated past.

Finally, obeying the law and understanding the importance of a comprehensive approach will, without visionary and effective leadership, make nothing happen. The realization of equity in higher education requires leaders with the capacity to see beyond the stifling ambivalence about race, to focus on the importance of opportunity for all citizens and for the common good, and to take measured risks to create transformed, robust systems of higher education.

We have miles to go before we reach our goal of equity. The road ahead will no doubt continue to be difficult. Navigating it successfully will require both a heightened sense of urgency about the importance of our pursuit and an abiding patience to persist in it. For the South – and the nation – there can be no turning back.

Introduction:
Segregation's Enduring Effects

Despite new commitments and some promising initiatives in these states, powerful remnants of segregation continue to limit opportunity for black students. Race remains a formidable barrier to full and equal participation in higher education.

This report is about opportunity for black students in the 19, mostly Southern, states that previously operated dual systems of higher education. Coming at a time when many Americans are both preoccupied with and perplexed by race, it describes how far we must go – and what actions we must take – to resolve long-standing inequities that are the direct legacy of a discriminatory past. For, despite new commitments and some promising initiatives in these states, powerful remnants of segregation continue to limit opportunity for black students. Race remains a formidable barrier to full and equal participation in higher education.

The continuing and compelling moral and legal reasons to promote equity in higher education are today made more urgent by economic imperatives. A college degree is increasingly essential if citizens are to reap the benefits of the South's new and still developing knowledge-driven economy. Higher education is the gateway to better jobs and the higher standard of living that goes with them.

Yet lack of access to high-quality postsecondary education threatens more than individual prosperity. Higher education is critical not only to personal fortune; it is the foundation on which the South is building its future. The region's long-awaited economic transformation will not be fully realized unless many more Southerners have a fair chance to participate in it.

Despite the forceful demands of both equity and economics, we have much to do before opportunity in postsecondary education is realized. For, as this report finds:

Access

- Far too often, access to higher education remains elusive for black students. While the number of black students entering higher education has grown since the 1970s, the percentage of blacks among full-time freshmen is almost unchanged. In almost half of these states, the proportion of blacks in their freshman classes actually *declined* between 1991 and 1996.

- Public higher education continues to be segregated in practice. Historically black colleges are overwhelmingly black and traditionally white institutions remain the province of white students. In 13 states, the majority of black freshmen enrolled in public institutions were at historically black colleges and universities or community colleges in 1996. The same year, moreover, while blacks accounted for 20.0 percent of the 18- to 24-year-old-population across the 19 states, they comprised on average only 8.6 percent of first-year students at flagship universities.
- The economic circumstances of black families – a continuing legacy of discriminatory policies and practices – are a major barrier to many black students who wish to pursue higher education. Typically, average black family income in the 19 states was less than two-thirds of average white family income in 1995. In 12 states, at least 30 percent of all black families had incomes under $10,000. Consequently, recent efforts to create and increase tax cuts to offset college costs may not benefit many black families with low incomes, who do not earn enough to tax.
- Many of the 19 states provide significantly more financial aid without concern for students' family income than the rest of the states. On average, these states distributed more than one-third (36.4 percent) of all their financial aid without consideration of need – more than 10 times the percentage of aid being distributed on a non-need basis in the other 31 states.

Success

- Over the past 20 years, the representation of blacks among bachelor's degree earners has barely increased, moving from 8.5 percent to just 10.3 percent between 1976 and 1995. This slight increase, while positive, still leaves blacks considerably underrepresented, for in 1996 they made up 20.0 percent of 18- to 24-year-olds. Had the number of black students earning bachelor's degrees in these states reflected their actual representation in the population, holding all else equal, 71,764 blacks would have earned degrees – *almost twice as many as the 36,402 who actually did.*
- What happens to black students in the colleges and universities of these 19 states affects more than the region. In 1996, almost three-quarters of the nation's black first-time, full-time freshmen in public universities were enrolled in these states.
- The relatively small flow of blacks entering the higher education pipeline practically dries up in postgraduate programs. In no state does the representation of blacks among doctoral degree or first professional degree earners reflect their representation within the population. Black enrollment in graduate programs is confined, moreover, to just a few fields of study. Nearly half of all black doctoral students (47.2 percent) earned degrees in education while fewer than 5 percent earned degrees in engineering or the physical sciences.
- Black faculty, essential for providing role models and mentoring, are substantially underrepresented in every state. Only five states were able to report black representation of more than 10 percent among full-time faculty at all institutions as late as the 1995-96 academic year. Even in these states and across the South, however, black faculty are largely limited to community colleges and HBCUs.

The Climate For Change

- In each state, there are individuals and institutions with genuine commitment to fostering equity in higher education. Their energy and creativity has resulted in a number of promising practices and policies, some of which are highlighted in this report. Small in scale, these efforts have real potential to improve access and success for black students throughout the region. The potential of these efforts too often, though, has gone unrealized, for programs have been unconnected to comprehensive plans to promote

Desegregation in Public Higher Education: The Background to *Fordice*

During the first half of the 19th century, many states passed laws prohibiting the education of blacks under any circumstances. Later, following the Civil War, 19 states established segregated colleges and universities. These dual systems were created primarily to keep blacks out of white institutions and, in most cases, to limit black entry into all but the most menial occupations.

For blacks in the South, segregation in higher education was strictly enforced, and there was never a pretense of equality. Despite meager resources and state-imposed restrictions on what they could teach, historically black colleges and universities (HBCUs) evolved into full-fledged postsecondary institutions, many of which offered graduate degrees. HBCUs took primary responsibility for educating black students in the South and had remarkable success in doing so. Through the mid-1950s, they provided virtually all bachelor's degrees received by black students in the South. Usually unassisted by states and frequently unrecognized by the education community, even their best efforts could not fully compensate for the harm inflicted on black students by official policies. The vestiges of these policies remain and continue to limit black students' access to and success in higher education.

In 1954, the Supreme Court, in its landmark decision in *Brown v. Board of Education of Topeka*, declared that in public education, racial separation is inherently unequal. For more than a decade after *Brown*, lower courts struggled with how states should remedy racial segregation in elementary and secondary education. In 1968, the Supreme Court concluded that the mere adoption of race-neutral policies was not necessarily a sufficient remedy for segregation at the *elementary and secondary school level*. The Court called for an end to racially identifiable schools ("black schools" and "white schools") and the creation of schools that were "just schools."

What the law required to desegregate *higher education*, however, was less clear. Many states argued that, unlike elementary and secondary education, all that was needed in higher education were race-neutral admissions policies. This reasoning helped state and academic leaders ignore for decades the fact that unequal facilities, discriminatory educational programs, segregated faculties, and other vestiges of the once legally segregated systems continued to contribute to the identification of many public colleges and universities as "'white" or "black."

Beginning in the 1970s, the federal government attempted to establish that race-neutral policies were by themselves not enough to desegregate public higher education. Title VI of the 1964 Civil Rights Act prohibited the use of federal funds by institutions, including colleges and universities, which discriminated on the basis of race. The Department of Health, Education and Welfare (HEW) tentatively sought to use Title VI to encourage states to dismantle their dual systems of higher education. It informed several Southern and border states that they were still operating segregated higher education systems in violation of Title VI, but otherwise did little to bring these states into compliance or to terminate federal assistance to their institutions, as it was empowered to do.

In 1970, the NAACP Legal Defense and Educational Fund brought a lawsuit, originally known as *Adams v. Richardson*, against HEW to compel it to enforce state compliance with Title VI where previous voluntary efforts had failed. Eventually, *Adams* was heard by the Court of Appeals for the District of Columbia, which ruled that desegregating higher education must be dealt with "on a statewide rather than school-by-school basis."[1]

Consequently, HEW's Office for Civil Rights (later made part of the U.S. Department of Education) developed a set of guidelines for statewide desegregation of higher education. Known as the "*Adams* criteria," the guidelines required specific state commitments to goals, actions and timetables to:

- Disestablish the structure of the dual system by defining the mission of each institution on a basis other than race;
- Strengthen the role of HBCUs by enhancing the quality and range of their program offerings and eliminating unnecessary program duplication among traditionally white and historically black institutions in the same service area;
- Reduce racial disparities in college-going, retention and graduation rates;
- Expand mobility between two- and four-year institutions;
- Increase other-race enrollments at traditionally white and historically black institutions;
- Equalize the proportion of black and white state residents who graduate from public undergraduate institutions and enroll in graduate and professional schools in the same systems; and
- Increase the representation of minority persons who are members of faculties and staffs of institutions as well as governing boards, agencies and their staffs.

The *Adams* criteria provided a working definition of what it would take to desegregate a state system of higher education. States were to develop and implement plans to comply with the criteria; the Office for Civil Rights had the responsibility to enforce these plans. In the mid-1980s, however, the federal government de-emphasized both the enforcement of *Adams* plans and the collection of relevant data to monitor states' progress in implementing these plans.

Even prior to the mid-1980s, however, progress under *Adams* was slow and uneven, and states required ongoing prodding by the Office for Civil Rights to move toward desegregating their systems of higher education. Moreover, many states continued to argue that race-neutral admissions policies were all that *Brown* required of higher education. One of these states was Mississippi, where a lawsuit brought by black citizens against the state's higher education system in 1975 eventually resulted in a seminal ruling about higher education desegregation by the United States Supreme Court. This case, now known as *United States v. Fordice*, is described in more detail on page 7.

[1] 356 F. Supp. 92 (D.D.C. 1973) aff'd., 480 F.2d 1159 (D.C.Cir. 1973)

equity. These initiatives have been implemented largely in isolation from one another and from other reform activities that are underway at all levels of education in these states.

- *United States v. Fordice*, the United States Supreme Court decision which mandated that states take affirmative steps to desegregate their colleges, is the law of the land. Despite this, many states – reacting in part to a federal court of appeals decision that does not apply to them – have not developed a comprehensive plan to cure continuing inequities. Failure to plan – and to make the underlying commitment to ridding themselves of the remnants of segregation that a comprehensive plan necessitates – has greatly limited states' ability to develop and implement efforts to foster equality in higher education.

Miles to Go follows up on the Southern Education Foundation's 1995 report, *Redeeming the American Promise*, which provided a comprehensive assessment of minority opportunity[5] in higher education in 12 of the 19 states that are treated here. The report also made 10 recommendations which, if followed, will lead to higher education systems where students' choice of institutions and chance of success in them are unencumbered by race.

The vision of transformed, nonracial systems that we advocate here is based upon three principles set forth in *Redeeming the American Promise*. We urged that state systems become **student-centered** – organized to advance the interests of and respond to the needs of students rather than the preferences of the institutions created to meet those needs. Second, we strongly endorsed approaches to opportunity that are **comprehensive** – the report explicitly recognized that each sector of education – K-12, community colleges, four-year colleges and graduate programs – is linked to the others. Finally, *Redeeming the American Promise* advocated that higher education place strong emphasis on **accountability** for students and faculty, for colleges and universities and, ultimately, for state systems of higher learning.[6]

Redeeming the American Promise's data, principles and recommendations attracted significant attention in the nation and in the South. (See Appendix B for a summary of the recommendations.) Several states were directly influenced by it.

- The Virginia Legislature, in a Joint Resolution, established the Commission on the Impact of Certain Federal Court Decisions on the Commonwealth's Institutions of Higher Education, which was, among other things, directed to recommend revisions to the state's plan for equal opportunity "which reflect the recommendations of the Southern Education Foundation."[7]
- Maryland's Higher Education Commission, in a publication entitled "Trends and Issues in Maryland Postsecondary Education," adopted the three principles at the heart of *Redeeming the American Promise*, saying "(t)here are three major principles under consideration which may provide the foundation for achieving institutional diversity and educational opportunity... The principles are: comprehensiveness, student-centeredness and accountability."[8]
- Consultants hired by Mississippi's higher education governing board to make recommendations about higher educational opportunity in the Mississippi Delta drew directly on *Redeeming the American Promise*. Their report recommended against the merger of predominantly black Mississippi Valley

The concern and good intentions expressed by some educators and policymakers in all 19 states have not yet been matched by the statewide, systemic focus and commitment necessary to transform public higher education in ways that will eliminate the vestiges of the past and promote opportunity for all. What progress that has been made is halting, and this progress – modest and uneven as it has been – is now threatened.

United States v. Fordice

United States v. Fordice was decided by the Supreme Court in 1992. It provides the framework for an approach to educational opportunity for minority students in the 19 states that previously operated dual systems of public higher education.

After *Brown v. Board of Education*, which declared that segregation in public education was inherently unequal, was decided, the Supreme Court heard many elementary and secondary education cases, but no significant higher education desegregation cases. Many of the 19 states took the position that, in not denying admission on the basis of race, they were doing all that the law required.

In 1975, a group of blacks in Mississippi sued the state in federal court to demand a more equitable system of higher education. The case finally went to trial in 1987, and the district court ruled that the state's duty to desegregate extended only to ensuring that its admissions policies were racially neutral. The Fifth Circuit Court of Appeals affirmed the district court's decision.

In 1992 in *Fordice*, the Supreme Court reviewed the rulings by the lower courts and found that the lower courts had failed to apply the correct legal standard to the state's public university system. The Court said that discriminatory policies and practices could exist even if there were race-neutral admissions policies. According to the Court, "if policies traceable to the *de jure* system are still enforced and have discriminatory effects," these policies [in addition to segregative admissions policies] must be reformed to the extent practicable and "consistent with sound educational practices." The Court ordered Mississippi to remove or correct the vestiges of its segregated system.

The *Fordice* decision recognized the persistence of racial inequity in public higher education in these 19 states, and it confirmed that the decision in *Brown* applies to public higher education. It also made clear that the adoption of race-neutral policies is an insufficient remedy for segregation. In desegregating their systems of higher education, states must determine whether any policies traceable to dual systems are still in force and have discriminatory effects. If such policies exist, the Court held that they should be remedied consistent with sound educational practices, indicating that lower courts should defer, to some degree, to educators. The Supreme Court's decision in *Fordice* affirmed, finally, that vestiges of segregation must be eliminated systemwide throughout higher education.

The *Fordice* decision, through its recognition of the continued effects of segregation and the need to apply systemic remedies based on sound educational practices, provides powerful new possibilities for fundamental change – focusing on opportunity – in public higher education. It enables states to focus on students and to link desegregation to opportunity. The *Fordice* decision applies to all 19 states that previously operated dual systems of public higher education.

State University and traditionally white Delta State University into a new institution that the consultants found could significantly reduce minority opportunity. Instead, the board adopted the consultants' alternative recommendations – based on the approach taken by *Redeeming the American Promise* – to create new high-demand, high-quality programs at both Mississippi Valley and Delta State, and to develop new cooperative arrangements between the institutions.

- Kentucky has prepared a new equal opportunity plan outlining innovative approaches to improve the status of black students in higher education in the state. The plan adopts *Redeeming the American Promise*'s vision of "a higher education system that is student-centered, where choice of institutions is unfettered, and success is realizable for everyone, regardless of race."

These actions – and a developing awareness of the importance of wholesale change that underlies them – are significant first steps on the long and often difficult road to opportunity in higher education. Despite these hopeful signs, the concern and good intentions expressed by some educators and policymakers in all 19 states have not yet been matched by the statewide, systemic focus and commitment necessary to transform public higher education in ways that will eliminate the vestiges of the past and promote opportunity for all. What progress that has been made is halting, and this progress – modest and uneven as it has been – is now threatened.

There are several reasons why the limited gains we have seen are now endangered. While some of them are rooted in state policies and practices, others arise out of America's long-standing dilemma about race and directly affect the efforts of educators and policymakers to promote opportunity in higher education. They include:

Wishful Thinking

Recent reports about substantial increases in the number of blacks earning bachelor's degrees have generated, in some quarters, a belief that no extraordinary efforts are needed to remedy the effects of years of discrimination.

On the surface, the numbers look impressive. During the 1976-77 academic year, one year after *United States v. Fordice* was filed in Mississippi, 23,587 black men and women received bachelor's degrees from public institutions in the 19 states ultimately affected by the lawsuit. By 1994-95, the number had grown to 36,402 – a 54 percent increase. To the extent that these numerical gains reflect the determination and efforts of students, parents, educators and policymakers to make higher education more accepting and supportive of black students, they are a source of happiness and pride.

When we look beneath the surface, however, it becomes all too clear that the celebration surrounding these increases has come too soon and obscures the profound challenges that we still face. The picture changes dramatically when we consider changes over the 18-year period in the *proportion* of blacks among bachelor's degree earners. In the 1976-77 academic year, blacks represented 8.5 percent of degree recipients across the 19 states. As we noted above, in 1994-95, almost two decades later, their representation had increased by less than two percentage points – to just 10.3 percent. In the states we studied, blacks comprised 20.0 percent of those 18 to 24 in 1996.

Misinformed Perceptions

There is in many places in the South and in the nation a perception that unreasonable and unfair utilization of preferences has given minorities benefits they have not earned. This belief has led to the passage of Proposition 209 in California, which

Wishful thinking, misinformed perceptions and an unfriendly judicial climate combine to restrict state efforts to foster minority access to and success in public higher education.

effectively bars race as a factor in admissions and financial aid decisions in the state's public universities. The California experience, despite its devastating effect on minority presence on some of the state's campuses, may be repeated in other places. Genuine uncertainty on the part of some about the use of race-sensitive measures to cure continuing inequities has emboldened others to share their own, more extreme, views. As a result, public discourse, amplified by new technologies, now routinely vilifies efforts to redress years of racial discrimination and, in so doing, turns inside out both the concepts and language of the struggle for equality.

Nowhere are these sentiments stronger than when they focus on access to higher education, and nowhere is admission more coveted than to flagship universities. And it is at these institutions, where admissions policies and practices attract constant scrutiny from media, alumni, parents and legislators, that black access to higher education remains most restricted. Flagship universities – selective and prestigious – today remain overwhelmingly white institutions.

Adverse Court Rulings

Aspects of the public mood both reflect and contribute to judicial decisions that negatively affect minority opportunity. This is most apparent in the decision of the Fifth Circuit Court of Appeals in *Hopwood v. Texas* which held that diversity is not a compelling reason to consider race in student admissions. *Hopwood* substantially restricted educators' ability to remedy the effects of discrimination in Texas' university system, limiting minority access to the University of Texas. Although *Hopwood* is limited to the three states of the Fifth Circuit and two of those states have not fully followed it, the decision raises the possibility of similar lawsuits in other states. While *Hopwood*-type litigation has been relatively slow to materialize in other places in the region and some states are persisting in applying race-sensitive remedies, the threat of lawsuits and their political consequences have greatly curtailed

Hopwood v. The University of Texas Law School

In 1996, the Fifth Circuit Court of Appeals declared that the University of Texas School of Law's (UTL) race-conscious student admissions process, which was designed to diversify and desegregate its student body, was unconstitutional. In doing so, two judges of the three-judge panel rejected the prevailing interpretation of the 1978 United States Supreme Court's decision in *Regents of the University of California v. Bakke*; they held that promoting student diversity is not a compelling governmental interest that can justify the consideration of race in the student admissions processes.

The court in *Hopwood* also said that UTL had not shown that its program was designed to remedy the present effects of past discrimination. The court rejected the idea that the law school could implement an affirmative action program to remedy the *system-wide* effects of segregation in Texas; it stated that only the law school's own past discriminatory acts are relevant in a consideration of whether race-conscious remedies would apply. This seems to conflict with parts of the Supreme Court's ruling in *Fordice*, which looked to system-wide remedies for past discrimination in the 19 states that once operated dual systems of higher education.

Despite its broad sweep and the extensive publicity it has received, *Hopwood* is limited to the Fifth Circuit and, as we describe below, has not had any measurable impact in two of the three Fifth Circuit states. Outside Texas, *Hopwood*'s greatest impact has been to cause policymakers and educational leaders to hesitate in boldly and vigorously pursuing effective remedies for years of racial discrimination in higher education.

We discuss the *Hopwood* case and its effects – real and potential – in greater detail in Chapter 3.

new initiatives to promote equity and opportunity. Rather than confront directly the factors that limit black access to and success in higher education, many states are now pursuing more broadly based reform efforts which all too often fail to address the unique challenges that decades of discrimination have imposed on black students.

Wishful thinking, misinformed perceptions and an unfriendly judicial climate combine to restrict state efforts to foster minority access to and success in public higher education. At the same time, however, many states that are unwilling to focus on expanding opportunity are equally reluctant to discard practices that promote equity: legislatures have defeated proposals to ban race-sensitive programs and policies that foster minority access to higher education.[11] Furthermore, in almost every state we looked at, there are programs – developed in good faith and implemented conscientiously – that seek to increase opportunity for black students.

State higher education systems are struggling with issues of race – played out every day on their campuses – which resonate deeply in the national consciousness. A profound public ambivalence about race is reflected in the actions – and inaction – of policymakers and educators. This ambivalence stifles the will and the ability of states to propose new and comprehensive approaches to opportunity. Principle has been replaced by a pragmatism which, in too many instances, perpetuates pre-existing inequities.[12]

To maintain this status quo is to fall behind. In the next decade the South's population will age measurably. Many more Southerners will be dependent on the skills, training and productivity of a workforce that will be younger and increasingly diverse.[13] Our future then is inextricably bound to our success in educating minority students. As the next chapter details, we are a long way from meeting the challenge that lies ahead.

Endnotes: Chapter 1

[1] MDC, Inc., *The State of the South*, 1996, 53

[2] By opportunity we mean that access to, progress and success in higher education for black students is unfettered by race.

[3] The Southern Education Foundation, *Redeeming the American Promise* (hereinafter *RTAP*), (Atlanta, 1995) 21-23

[4] House Joint Resolution No. 184, *Establishing the Commission on the Impact of Certain Federal Court Decisions on the Commonwealth's Institutions of Higher Learning*, Commonwealth of Virginia, 1996

[5] *Trends and Issues in Maryland Postsecondary Education*, Maryland Higher Education Commission, 1996, 13-14

[6] Robert A. Kronley, William A. Butts and Walter Washington, *Transformation Through Collaboration: Desegregating Higher Education in the Mississippi Delta*, 1996

[7] The 1997-2002 Kentucky Plan for Equal Opportunities in Higher Education.

[8] See, for example, "Phenomenal Growth: African American Baccalaureates Surge by 30% from 1991 to 1995," *Black Issues in Higher Education*, July 10, 1997, 34-36

[9] In Washington state, opponents of race-sensitive programs have succeeded in placing a measure on the upcoming November ballot that would end such programs. Recent polls show the measure has considerable support although the state's governor as well as several prominent business executives have joined those working to defeat it ("Washington State is Stage for Fight Over Preferences," *The New York Times*, May 4, 1998).

[10] The Internet, often a very useful information resource, has also become a means for circulating inflammatory myths and inaccurate information about race-sensitive policies and practices. See, for example, www.adversity.net, www.solipsism.com/insom/web/Politics/AA/aff faq2.html, and www.ips.net/tag/.

[11] During the 1998 legislative sessions, bills that would prohibit affirmative action policies and programs were introduced in both South Carolina and Georgia. In Georgia, the proposed legislation was soundly defeated in both the Senate and House of Representatives. Opponents of race-sensitive policies initially fared better in South Carolina where the House approved the anti-affirmative action bill. In the state's Senate, however, the bill died in committee.

[12] There are, however, certain noteworthy exceptions. In Georgia, the Chancellor of the University System in his annual state of the system address stated, "Our progress in educating minorities to be full participants in society and the economy must also continue and accelerate. And it is time for us to look for innovative means of doing this, so that whatever the courts ultimately decide, we are still in business." Chancellor Stephen R. Portch, "State of the System" Address, September 10, 1997

[13] According to projections made by the Census Bureau, the representation of whites among the South's population will fall and the region's population will become increasingly older. U.S. Bureau of the Census, *Statistical Abstract of the United States: 1997* (117th edition.) Washington DC, 1997

2

Powerful Remnants, Piecemeal Responses: A Regional Overview

The shared history of these 19 states has spawned a common condition: opportunity for black students in public higher education remains far less than that of white students. Efforts to promote progress have been fragmented and based on narrow programmatic innovations rather than comprehensive, statewide commitments.

This chapter summarizes the status of blacks in public higher education and describes trends in the region that affect black student access to and success in college. The "region" we refer to consists of 19 states linked by an historical thread – each operated a dual system of public higher education and each consequently is governed by the United States Supreme Court's mandate in *United States v. Fordice* to take "affirmative steps" to rid itself of the remnants of its segregated past.

The collective history of these states transcends both geography and demographics. While most are Southern, one (Ohio) is located in the Midwest, two (Maryland and Pennsylvania) are situated in the mid-Atlantic region, and others (Missouri, West Virginia, Delaware and Kentucky) are generally regarded as border states. Many (particularly those characterized as Southern) have large black populations, while others (Kentucky, West Virginia, Oklahoma, Pennsylvania and Missouri) have relatively low black representation in their populations. Two states (Florida and Texas) have significant Hispanic populations. These different characteristics bear greatly on the social, cultural and political conditions of each state and significantly influence their approaches to educational equity. Issues affecting blacks in higher education are of a very different order of magnitude in West Virginia, where blacks make up 3.5 percent of the 18- to 24-year-old population, than they are, for example, in Mississippi, where the black cohort of 18- to 24-year-olds approaches 44 percent.

Despite these differences, as the discussion below makes clear, the shared history of these states has spawned a common condition: opportunity in public higher education for black students remains substantially restricted and far less than that

Promising Practices

When it was released in 1995, *Redeeming the American Promise* laid out ten recommendations for how states could transform systems of public education in ways that provided opportunity for all students. (A summary of the recommendations is found in Appendix B.) As this report documents, we have a long way to go to make such transformations real. Although no state has yet implemented the comprehensive reforms *Redeeming the American Promise* called for, each has policies and programs that contain aspects of such reform. While these policies and programs on their own will not transform systems into ones where real opportunity flourishes, they offer possibilities and, if expanded and connected to comprehensive reform, hold forth the promise of opportunity.

Throughout this chapter, several of the most promising of these practices are highlighted.

of whites. Progress, where present, has been ragged, and efforts to promote it have been fragmented and, for the most part, based on narrow programmatic innovations rather than comprehensive, statewide commitments.

The following analysis reviews first the access black students in these 19 states have to public higher education and then considers their success once they get there. Finally, we look at measures of accountability for student access and success, particularly in light of recent policy developments.

Access

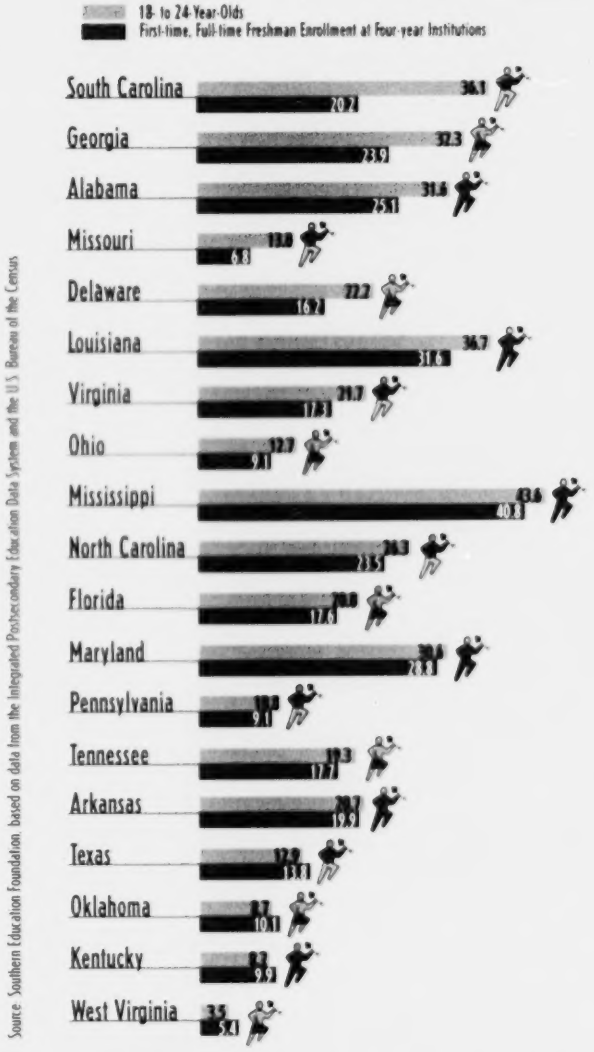
Access to high-quality four-year higher educational institutions is the fundamental element in building opportunity-driven systems of higher education. Such access remains restricted among black students throughout the region.

In many states black representation among first-time, full-time freshmen at four-year institutions lags behind their representation within the 18- to 24-year-old population. South Carolina, where blacks comprise 36.1 percent of the relevant population but only 20.2 percent of freshmen, has the greatest disparity. Georgia, Alabama, Missouri, Delaware and Louisiana also show substantial disparities. In four states – Texas, Oklahoma, Kentucky and West Virginia – black representation among first-time, full-time freshmen actually exceeded their representation within the relevant population. These four states rank within the lowest five in black representation among 18- to 24-year-olds.

This gap between the representation of blacks among full-time freshmen at four-year institutions and among 18- to 24-year-olds reflects the limited progress that states have made in promoting access for black students. As the trend data in Figure 2 show, while one state – Maryland – has made reasonable progress in increasing the representation of blacks among freshmen, most continue to lag. In three states, representation of blacks in the freshman class is less than it was almost 20 years ago. Moreover, during the 1990s, most states have seen

Figure 1

Not There Yet: Black Representation Among 18- to 24-Year-Olds and First-Time, Full-Time Freshmen, 1996



The representation of blacks among first-time, full-time freshmen at four-year institutions lags behind their representation within the 18- to 24-year-old population.

black presence among first-year students stagnate or decline. It is all too evident that the first-year students in public institutions in the states we are concerned about do not reflect the diversity of the communities from which they come.

In many instances, the access that black students have to public higher education is limited to particular institutions. Those blacks who are admitted to four-year public institutions often do not go to school with white students. Simply put, Southern states have made insufficient progress in desegregating

Figure 2

The Slow Pace of Progress: Trends in the Representation of Blacks Among First-Time, Full-Time Freshmen, 1976-1996

	1976	1986	1991	1996
Regional Average	15.0	13.9	16.7	17.0
Alabama	20.2	20.4	27.6	25.1
Arkansas	19.6	16.9	19.8	19.9
Delaware	12.1	10.7	13.7	16.2
Florida	15.9	14.4	18.5	17.6
Georgia	19.6	17.0	23.2	23.9
Kentucky	8.8	8.2	9.1	9.9
Louisiana	28.1	28.0	32.5	31.6
Maryland	18.2	22.1	30.8	28.8
Mississippi	40.5	37.3	42.7	40.8
Missouri	6.8	6.0	7.5	6.8
North Carolina	22.9	23.3	23.5	23.5
Ohio	10.2	6.2	8.2	9.1
Oklahoma	7.6	8.1	10.1	10.1
Pennsylvania	7.4	8.2	8.7	9.1
South Carolina	15.9	15.9	20.5	20.2
Tennessee	22.3	12.5	16.2	17.7
Texas	10.6	9.9	12.2	13.8
Virginia	17.4	16.7	20.2	17.3
West Virginia	4.5	5.4	5.5	5.4

Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System

In almost two decades, black students' access to higher education remains virtually unchanged.

their colleges and universities. Black students in large numbers continue to attend historically black colleges and universities (HBCUs) and remain significantly dependent on them for access. In Alabama, Delaware, Louisiana, Maryland, Mississippi, North Carolina and Texas, 50 percent or more of all first-time, full-time freshmen at four-year institutions were enrolled at HBCUs in 1996. The reliance of black students on HBCUs is true even in states that have only one public historically black institution. In Florida, almost half – 48.5 percent – of all first-time, full-time black freshmen at four-year institutions entered the state's system through historically black Florida A&M in 1996. In Delaware 65.9 percent, in South Carolina 33.1 percent and in Tennessee 40.4 percent of black freshmen at four-year institutions enrolled at each state's sole HBCU.

At the same time, white students continue to shun HBCUs, relying instead on traditionally white institutions (TWIs). In 14 of these states less than one percent of white freshmen at public four-year institutions were at HBCUs. The result is, in all too many places, the perpetuation of two systems of public higher education.

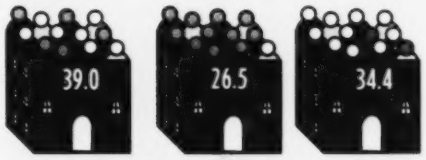
Of equal significance is the continuing dependence of black students on community colleges as the access point for postsecondary education. As *Redeeming the American Promise* emphasized, these institutions are not effective pathways to four-year degrees. Yet black students, as Figure 3 indicates, flock in large numbers to these institutions. In 13 of the 19 states we studied, the majority of black freshmen are enrolled in either community colleges or in historically black colleges and universities. Of the six states in which they are not, only Arkansas has a substantial black 18- to 24-year- old population.

As significant as where black students are going to school is where they are *not* going. Flagship universities remain states' most prestigious institutions – endowed with high-profile programs, state-of-the-art facilities, the best-credentialed faculties, the most powerful and influential alumni, and athletic teams that attract the most gifted performers, the attention of national media, and the support and loyalty of the state's citizens. As Figure 4 shows, in only three of the 19 states – Kentucky, Oklahoma and West Virginia (those with the lowest proportion of blacks in the relevant population) – did the representation of blacks among first-time, full-time freshmen on flagship campuses approximate that within the 18- to 24-year-old population. In the other 16 states, blacks are underrepresented, in some instances significantly. The gap

was greatest in Mississippi, where blacks comprised 43.6 percent of 18- to 24-year-olds in 1996 but only 10.2 percent of full-time freshmen at the University of Mississippi. Ten other Southern states showed a disparity of at least 11 percentage points between the representation of blacks at flagship institutions and within the 18- to 24-year-old population. Overrepresentation of whites is true not only at flagship institutions but at virtually all four-year public institutions founded as white institutions.

Figure 3

Limited Choices: Percentage of Black Freshmen Enrolled at Various Institutions, 1996



	Two-Year Institutions	HBCUs	All TWIs
Mississippi	62.1	25.8	12.1
Maryland	40.3	39.4	20.3
Alabama	51.3	24.1	24.6
North Carolina	35.1	39.7	25.2
Delaware	25.4	49.2	25.5
Florida	49.4	24.6	26.1
Texas	39.4	30.2	30.3
South Carolina	49.6	16.7	33.7
Oklahoma	37.7	28.4	33.9
Tennessee	39.6	24.4	36.0
Virginia	23.5	37.6	38.9
Georgia	44.3	16.3	39.4
Louisiana	15.2	42.2	42.6
Missouri	35.4	13.2	51.4
Arkansas	23.3	24.6	52.2
Ohio	35.8	6.7	57.5
Pennsylvania	33.4	4.8	61.8
Kentucky	21.1	17.0	61.9
West Virginia	7.3	26.2	66.5

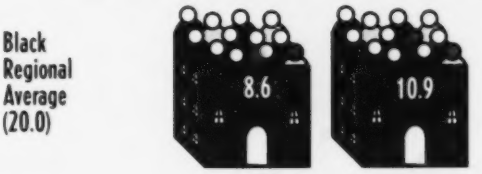
Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System

For the most part, black freshmen continue to be concentrated in two-year institutions and historically black colleges and universities.

Numbers may not equal 100 percent due to rounding.

Figure 4

Restricted Access: Representation of Blacks Among Freshmen at Flagship and Other Traditionally White Institutions, 1996



	Flagship	Other TWIs
Alabama (31.6)	9.9	15.5
Arkansas (20.7)	9.4	16.2
Delaware (22.2)	6.4	NA
Florida (20.0)	7.7	10.8
Georgia (32.3)	7.1	20.4
Kentucky (8.2)	7.0	8.2
Louisiana (36.7)	18.6	19.0
Maryland (30.6)	16.3	10.0
Mississippi (43.6)	10.2	15.0
Missouri (13.0)	7.7	7.2
North Carolina (26.3)	11.8	10.6
Ohio (12.7)	8.7	8.1
Oklahoma (8.7)	8.4	4.8
Pennsylvania (10.8)	4.6	9.0
South Carolina (36.1)	21.5	12.3
Tennessee (19.3)	5.2	13.9
Texas (12.9)	4.1	8.1
Virginia (21.7)	11.8	9.4
West Virginia (3.5)	3.8	4.6

Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System and the U.S. Bureau of the Census

In most states, black students remain significantly underrepresented at all traditionally white institutions.

Numbers in parentheses reflect black representation as a % of 18- to 24-year-old populations.

The foregoing data and others presented above paint a discouraging picture of black student access to higher education: they remain underrepresented in the freshman class and highly dependent on both HBCUs and community colleges. Changing this condition will depend on the development of new policies and practices arising out of comprehensive plans to promote minority inclusion in higher education.

In the three years since we released *Redeeming the American Promise*, there has been little movement among these states to develop plans directly devoted to fostering increased black access to higher education. There have, however, been more general efforts to reform and improve both K-12 and postsecondary education. Some of these efforts may promote more equal access to higher education for black students; others will not do so. (Appendix A provides detailed state-by-state summaries of recent developments affecting educational opportunity for black students.) Prominent among the new initiatives are changes in financial aid policies, new college admissions requirements, limits on remediation and, closely connected to the last two, beginning efforts in some states to forge more comprehensive connections among elementary and secondary education, two-year and four-year colleges.

New Financial Aid Policies

As every student and every parent knows, college is not cheap, and, as each year passes, it's getting more expensive. Between 1980 and 1990, tuition at public universities across the nation increased, in 1995 dollars, by more than 52 percent. The first five years of the 1990s saw little abatement in tuition increases; between 1990 and 1995, tuition increased an additional 26.6 percent nationally.

This increase has been driven in large part by states' decreasing investment in public higher education and by growing enrollments. In the mid-1980s, approximately 60 percent of funding for public higher education in the South came from state general-purpose funds with an additional 19.8 percent coming from state special-purpose funds. Net tuition and fees accounted for 17.7 percent of higher

Figure 5

Unequal Resources: Average Black and White Family Income, 1995

	Total	White	Black	Black Income as % of White Income
Alabama	$32,828	$37,040	$19,786	53.4%
Arkansas	$29,315	$31,571	$16,663	52.8%
Delaware	$38,784	$41,376	$27,123	65.6%
Florida	$34,293	$37,173	$25,742	69.2%
Georgia	$35,311	$39,720	$27,201	68.5%
Kentucky	$32,641	$33,019	$20,653	62.5%
Louisiana	$31,434	$35,991	$19,656	54.6%
Maryland	$40,693	$45,732	$28,602	62.5%
Mississippi	$28,848	$33,982	$18,792	55.3%
Missouri	$32,162	$33,799	$19,384	57.4%
North Carolina	$34,742	$38,239	$22,789	59.6%
Ohio	$36,415	$38,051	$23,262	61.1%
Oklahoma	$32,809	$34,887	$20,923	60.0%
Pennsylvania	$36,861	$38,391	$23,679	61.7%
South Carolina	$35,967	$39,442	$26,921	68.3%
Tennessee	$32,902	$35,445	$23,096	65.2%
Texas	$35,629	$42,161	$25,633	60.8%
Virginia	$40,564	$43,854	$28,565	65.1%
West Virginia	$27,872	$27,937	$23,058	82.5%

Source: Current Population Survey, 1995

In all but one state, black family income is barely two-thirds of white family income.

Figure 6

Money Matters: Family Income and College Tuition, 1995

	Average Tuition at Four-Year Public Institutions	Average Black Family Income	Percent of Black Family Income	Average White Family Income	Percent of White Family Income
Alabama	$2,120	$19,786	10.7%	$37,040	5.7%
Arkansas	$1,958	$16,663	11.8%	$31,571	6.2%
Delaware	$3,268	$27,123	12.0%	$41,376	7.9%
Florida	$1,772	$25,742	6.9%	$37,173	4.8%
Georgia	$2,148	$27,201	7.9%	$39,720	5.4%
Kentucky	$2,218	$20,653	10.7%	$33,019	6.7%
Louisiana	$2,038	$19,656	10.4%	$35,991	5.7%
Maryland	$3,181	$28,602	11.1%	$45,732	7.0%
Mississippi	$2,410	$18,792	12.8%	$33,982	7.1%
Missouri	$2,637	$19,384	13.6%	$33,799	7.8%
North Carolina	$1,502	$22,789	6.6%	$38,239	3.9%
Ohio	$3,232	$23,262	13.9%	$38,051	8.5%
Oklahoma	$1,881	$20,923	9.0%	$34,887	5.4%
Pennsylvania	$4,846	$23,679	20.5%	$38,391	12.6%
South Carolina	$2,996	$26,921	11.1%	$39,442	7.6%
Tennessee	$1,987	$23,096	8.6%	$35,445	5.6%
Texas	$1,910	$25,633	7.5%	$42,161	4.5%
Virginia	$3,921	$28,565	13.7%	$43,854	8.9%
West Virginia	$2,020	$23,058	8.8%	$27,937	7.2%

Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System, Current Population Survey, 1995

In every state, black families must devote more, often considerably more, of their income to college costs than white families.

education operating revenues across the region. By 1995-96, state general-purpose funds had decreased to 54.9 percent and special-purpose funds to 16.8 percent of operating revenues across the region. Tuition and fees, in turn, made up 25.7 percent of operating expenses, a considerable jump. At the same time, further squeezing families trying to send children to college, real wages among most workers were falling.[1]

These rising costs affect all students, regardless of race. They burden most, however, those with the least income. And those with the least income are disproportionately likely to be black. Across the 19 states, average black family income is significantly less than average white family income, sometimes almost 50 percent less.

> In none of the 19 states did average black family income reach $30,000. In 12 of the 19 states, at least 30 percent of all black families had incomes less than $10,000. In not a single state did 20 percent of white families have incomes less than $10,000.

The state that had the narrowest gap between black and white family income, West Virginia, also showed the lowest white family income. West Virginia was, in fact, the only state in 1995 in which average white family income was below $30,000. In none of the 19 states did average black family income reach that level. In 12 of the 19 states, at least 30 percent of all black families had incomes of less than $10,000, significantly below the poverty line of $15,569 for a family of four in 1995.[2] In not a single state did 20 percent of white families have incomes less than $10,000. (See Appendix C for a breakdown of family income by decile.) Consequently, black families must devote significantly more of their income to covering college costs than white families.

Financial aid programs have helped alleviate some of the burden students and their families face when paying for college costs. These programs have recently been the focus of considerable attention from both federal and state policymakers. Existing aid programs have continued to grow, reaching record highs. In the 1995-96 academic year, $51.4 billion was available in financial aid to students nationally, eight percent more than was available the previous year after adjusting for inflation.[9] Most of this growth, however, was in loans, not grants. This continues a 15-year trend that has seen a shift from reliance on grants to loans among students to cover college costs. In 1995-96, grants represented 40.2 percent and loans 58.3 percent of total – federal, state and institutional – aid. In 1980-81, grants represented 54.6 percent and loans 41.4 percent of total aid.

New, often large, aid programs have also been created at both the federal and state levels. While these new programs are a positive step, they have been targeted for the most part to middle-income families and likely will not promote additional access for the significant number of low-income black students in the region.

Foremost among new federal initiatives is the HOPE Scholarship Tax Credit (inspired by Georgia's HOPE Scholarship, described on page 21). Under the HOPE Scholarship Tax Credit, students can receive up to a 100 percent tax credit for the first $1,000 of tuition and required fees and a 50 percent tax credit on the second $1,000 for the first two years of college or vocational training. The credit is phased out as family income rises.[10] Congress also approved the Lifetime Learning Tax Credit, a tax credit targeted to college juniors and seniors and graduate students, although it also serves adult students in non-degree programs. Through the Lifetime Learning Tax Credit, a family will receive up to a 20 percent tax credit for the first $5,000 of tuition and required fees each year through 2002 and for the first $10,000 thereafter. As with the Hope Scholarship Credit, as income rises the credit is phased out.[11]

These tax credits should ease the financial strain many *middle-income* families face when sending their sons and daughters to college. Their positive impact will be much less, however, on low-income families, for to derive benefits from the tax credits, families must have incomes large enough to tax. Given that, in 1995, at least one-half of black families earned less than $20,000 in 17 of these states, it seems unlikely that many black families will be able to use the credits.

Congress was not unaware of the burden faced by low-income families and in 1996 increased the maximum Pell grant award from $2,300 to $2,700 and again in 1997 to $3,000. These increases can help foster access to college

Promising Practices: South Carolina

As proposed in *Redeeming the American Promise* and as discussed elsewhere in this report, states are seeking ways to develop closer connections between K-12 and higher education. South Carolina is building some of these connections through its Higher Education Awareness Program, which brings public schools and higher education institutions together as partners. The program targets eighth graders and their parents. Students receive information about higher education opportunities and college preparation and participate in tours of college campuses. Administered by the state's Commission on Higher Education, it also provides follow-up materials to high school counselors and students.

The program began as a pilot in 1991-92 and now involves every eighth grader in the state. A long-term follow-up of students in the pilot and in control schools found there were differences in the college-going behavior of the two groups. In the control group, there was a large difference between black and white students in their reported acceptance rate into college; whites reported being accepted at significantly higher rates than blacks. In the pilot group the difference between the two groups had shrunk to insignificance.

among low-income students. They should be seen as first and incomplete steps, however, for they still leave the value of Pell grants considerably below where it was more than a decade ago.

Led by Georgia, many states have also developed new financial aid programs. These programs are laudable because they celebrate and promote academic achievement. They also signify the states' interest in attracting the best students to their colleges. Too often, however, these new programs extend the region's focus on non-need-based aid, a focus largely unique to the South. In 1995-96, across the nation, states spent an average of 15 percent of their financial aid funds on non-need-based aid. In these 19 states, however, 36.4 percent of financial aid funds were distributed without consideration of need. The remaining 31 states spent on average just 3.4 percent of their financial aid funds on non-need-based aid. Given the success and popular acceptance of Georgia's HOPE Scholarship program, the portion of financial aid dollars dedicated to non-need-based aid is likely to grow.

Institutions that use race-sensitive admissions and financial aid as strategies to increase access for black students are doing the right thing. These practices remain essential if we are to increase black access to traditionally white institutions.

Through its HOPE Scholarship program, Georgia has dramatically expanded student financial aid. Funded by the state's lottery, the HOPE Scholarship covers tuition and required fees at Georgia's public institutions, both four- and two-year. The program also provides $3,000 scholarships to students attending private institutions in Georgia. Students are eligible for the scholarships if they have a 3.0 grade point average in the high school core curriculum. They must maintain a 3.0 average in college to retain the scholarship. Initially the program limited eligibility based on family income but the state has since removed the income cap. HOPE Scholarship funds have added greatly to the financial aid Georgia provides. As a result of this infusion, Georgia spent $165.2 million on non-need-based aid and $4.7 million on need-based aid during the 1995-96 academic year; 2.8 percent of Georgia's financial aid funds went to need-based aid.

The HOPE Scholarship's popularity in Georgia has encouraged other states to consider and begin implementing similar programs. Florida and Louisiana both have initiated generous scholarship programs which, while using somewhat different eligibility criteria than Georgia, require high levels of academic achievement. Kentucky recently created a merit-based scholarship program but, unlike those in most other states, students earn the award as they progress through high school.

Even states that have developed new or expanded existing need-based aid programs continue to focus on academic achievement or merit. Texas has substantially increased a small need-based aid program from $150,000 to $5 million, but its eligibility criteria include relatively high levels of achievement.

At least one state, South Carolina, has developed a new need-based aid program, which does not incorporate merit requirements. This new, extensive aid program provides grants to cover college costs unmet by federal aid. At the same time, however, the state has also developed a new merit-based aid program. In the coming years, financial aid funds will be evenly split between the two programs.

These new aid programs are welcome, for they are providing generous support to some black students as well as to other students who may not otherwise have been able to attend college. Equally important, they hold out the promise of higher education to younger students in elementary and secondary education, perhaps motivating them to high levels of achievement. By attracting highly qualified students who might have chosen to go elsewhere, they may also improve the quality of these state systems over time.

Historically Black Colleges and Universities: Continuing Challenges and New Opportunities

Redeeming the American Promise urged states to advance access and enhance success by supporting historically black colleges and universities (HBCUs). These institutions provide access to highly motivated but often less well-prepared students, nurture and develop their students, and consistently produce graduates who make important contributions to their communities. In the last three years, there have been several developments that affect HBCUs.

States' moves to raise admissions requirements in higher education are already being felt at some HBCUs. Many HBCUs traditionally have had lower admissions standards than TWIs. There are two primary reasons for this. In the era of legal segregation, one way to stigmatize HBCUs and to ensure that no whites would be attracted to them was to relegate these institutions to inferior status. Restricted program offerings went hand-in-hand with lower admission standards to make these institutions less appealing. Secondly, K-12 education in most of the 19 states frequently leaves black students (as well as low-income students of any race) poorly prepared for higher education. In order to serve these students, HBCUs have adopted (or states have required of them) lower admissions standards. HBCUs then compensate for poor preparation with significant remedial efforts. Now, as states strengthen K-12 education through higher curriculum standards, impose tougher admissions requirements and remove remedial education from the purview of four-year institutions, an element of the traditional role of HBCUs is threatened. As we argued in *Redeeming the American Promise*, HBCUs must develop, with the active encouragement and support of the states, high-demand, high-quality programs that will attract students of all races.

Meeting this challenge is well within their grasp. An example is the success of historically black Florida A&M University (FAMU), which was named *Time Magazine*'s 1998 College of the Year. In 1991, 463 women and men earned bachelor's degrees at FAMU; by 1996, that number had risen to 1,524. During the same period, enrollment grew from 8,100 to 10,700. This dramatic growth did not come at the expense of academic excellence, for the average SAT score among FAMU freshmen increased from 700 to 1,036. Nor has FAMU had to sacrifice success. Its graduation rate of 43 percent is far above the national average for black colleges.[1]

In the last three years, response to our recommendation in *Redeeming the American Promise* that states invest in HBCUs has been mixed. In some places there are indications of a heightened appreciation of the value of HBCUs, while in others their continued existence is challenged.

Mississippi withdrew its initial plan to merge historically black Mississippi Valley State University with traditionally white Delta State University. New programs, including an Institute for Effective Teaching Practices located at Mississippi Valley and closely involving Delta State, reflect the approach of *Redeeming the American Promise*. Mississippi, as part of the resolution of the *Fordice* litigation, has committed to new programs at both Alcorn State University and Jackson State University, its two other HBCUs. These programs include, at Alcorn State, a master's in business administration and, at Jackson State, doctoral programs in business administration, social work and urban planning. The state has also set aside a total of $15 million in a trust to enhance the three HBCUs; some of these funds are to be used for other-race scholarships at these institutions.

Maryland has initiated a new five-year effort to improve retention and graduation rates at its four public black colleges. The legislature has provided $2 million for the first year of the program. In return for this investment, the institutions are to be held to higher retention and graduation goals. Louisiana, as a result of a consent decree in its higher education desegregation suit, has set aside $48 million to be used at the state's historically black colleges and universities for new programs primarily at the graduate level.

Ohio's Central State University experienced substantial financial difficulties in the last two years. After considerable debate and the threat of federal intervention, Ohio lawmakers agreed to provide important aid to the institution. With the infusion of new funds, Central State will consolidate some of its

existing programs, implement higher admissions standards, put in place a system of stricter financial controls, and collaborate with other institutions to develop and offer a broader range of programs. (See page 38.)

West Virginia presents an anomalous situation. The two state HBCUs – West Virginia State College and Bluefield State College – have both become predominantly white. West Virginia State, which has a black student body of about 13 percent, has a black president and several black faculty.

Bluefield State has grown from less than 1,000 students in the 1960s to more than 2,500 now. Approximately 8 percent of these students are black. The institution has a white president and, in 1998, had no black faculty. Protests at Bluefield State – along with a complaint filed with the Department of Education's Office for Civil Rights – have resulted in the hiring of an administrator to recruit black faculty and students to Bluefield. An agreement has been reached between the college and OCR which will subject the institution to federal monitoring for a period of five years. Special attention will be paid to recruitment and hiring of black faculty.[1]

As we discuss in Chapter 3, one of the results of *Knight v. Alabama* was a merger of land-grant operations between Auburn University and Alabama A&M University. Anxiety about the continued existence of Alabama's two HBCUs rose when the governor expressed interest in reducing the number of four-year institutions in Alabama. Many believe that attempts at closure will focus on one or another of these institutions.

HBCUs remain essential to providing access for large numbers of black students. While some states are explicitly recognizing the important contributions that these institutions make, in too many places HBCUs are treated as second-tier institutions. In building desegregated and opportunity-driven systems of public higher education, states must invest in these institutions and their students.

[1] Time/The Princeton Review's The Best College for You, 1998.
"Blues for Blacks at Bluefield State," *Black Issues in Higher Education*, June 11, 1998.

Nevertheless, most of these programs are targeted to middle-income students, those students most likely to reach the high standards of merit these programs require. Low-income students, disproportionately likely to be black and too often attending elementary and secondary schools with fewer resources and offering significantly less exposure to rich academic programs, struggle to reach these standards. In the absence of systemic K-16 reform that improves achievement for all students, these aid programs will likely do little to increase access to higher education for low-income black students. As the federal and state governments have begun addressing the burden college costs place on middle-income students, they must now turn their attention to the needs of low-income students and support increased need-based financial aid.

Race-based financial aid. Race-based scholarships remain a contentious issue. In 1995, the Fourth Circuit Court of Appeals ruled that the University of Maryland's Banneker Scholarship program, a merit-based program which supported 30 to 40 high-achieving black students, was not designed carefully enough to pass constitutional muster.[1] As a result, the university merged the Banneker program with another merit-based program, the Francis Scott Key program, and opened the combined program to students of all races. In 1995-96, of 71 Banneker-Key Scholars, 19 were black.

Challenges to race-based scholarships have not been limited to programs at flagship universities. Suits have been filed in both Alabama and North Carolina attacking other-race scholarships – those that have been used to attract white students to historically black institutions and black students to traditionally white institutions. No decision has been forthcoming in these actions.

A recent complaint to the Department of Education's Office for Civil Rights (OCR) challenged whether Northern Virginia Community College (NOVA), a public two-year institution, could administer a privately funded, race-specific scholarship program. Because NOVA was founded after the end of legal

Georgia and Maryland: Toward One System

Georgia's P-16 Initiative is perhaps the most comprehensive attempt at connecting higher college admissions standards to K-12 education. It is being implemented as the state raises admissions standards at and removes remedial education from its public universities. The new standards are being phased in over several years, giving elementary and secondary schools time to adjust and strengthen their curricula, through the P-16 Initiative, so that students are prepared to meet the standards.

The P-16 Initiative, which was conceived by the university system, seeks to foster closer connections among each sector of the education system through local councils that convene representatives of four-year and two-year institutions, K-12 education, parents, local businesses and community organizations. Local councils focus attention on K-12 curriculum standards as well as teacher preparation in an attempt to build smooth and effective pathways from K-12 to higher education and, ultimately, entry to the workforce. The P-16 program also includes the Postsecondary Readiness Enrichment Program (PREP), which identifies and supports middle and high school students in at-risk situations through special summer and year-long tutoring programs. Like P-16, PREP relies on substantive collaborations between K-12, two-year and four-year institutions to meet the needs of these students and ensure that they will be prepared for the demands of higher education and the workforce.

To support the new standards, the university system has also undertaken a widespread public information campaign to ensure that students, their parents, teachers and administrators are aware of the changing requirements. The system has mailed information on the new standards directly to middle school students and their parents – these students will be in the first class required to meet the new admission standards in full.

Maryland is also moving to a comprehensive system through its Partnership for Teaching and Learning K-16. Recognizing that the economy requires greater skills of all participants than ever before, the Maryland Higher Education Commission has joined the state's Department of Education and the University of Maryland System, as well as members of the business community and local and state government, to form the Partnership. In striving to ensure that all students are prepared for and able to participate fully in the rapidly changing and increasingly competitive economy, the Partnership has developed specific goals relating to minority student achievement and success in postsecondary education.

With its Schools for Success initiative, Maryland has been at the forefront of the national movement to develop and implement rigorous performance standards in K-12 education. Building on these standards and working collaboratively, Partnership members are setting rigorous high school graduation requirements and aligning these graduation requirements with admission requirements, recently raised, at two- and four-year postsecondary institutions. The new graduation requirements will be fully implemented in 2004.

The Maryland School Performance Assessment Program (MSPAP), a statewide testing program that measures elementary and middle school students' ability to integrate knowledge and solve problems, also has proven to be a model for establishing accountability. Drawing on the MSPAP, the Partnership will develop an assessment system that evaluates not only students but also the educational institutions – from elementary school through university – that support them.

segregation and because the school has a higher representation of blacks among its students than is found among the population in the geographic area it serves. OCR determined that NOVA could not administer such a program. OCR's decision affects scholarship programs at NOVA only, but the incident is one more in a growing number of challenges to race-specific policies.

The issue of privately funded scholarships for minority students has also surfaced in Texas where public universities, restricted by the *Hopwood* decision from considering race in awarding student aid, have asked private individuals to sponsor minority scholarships. The state's attorney general, in response to a request from a state legislator, declared that a private, nonprofit organization could administer a "privately funded, race-restricted scholarship program." The attorney general further stated that the university could provide such a nonprofit group with "any student information that the university would generally provide to any other member of the public," and also could give students information about the grant program. The attorney general did warn that increasingly heavy involvement by a public university in administering scholarships would run the risk of transforming the privately funded activities into state action prohibited by *Hopwood*.

Though not challenged in the courts, the University of Georgia recently decided that it would no longer reserve $600,000 for graduate fellowships for minority students. The University of North Carolina at Chapel Hill, the state's flagship institution, has decided to open its scholarship programs for minority students to all students, although race continues to be a consideration. This move is part of a system-wide review in North Carolina of race-sensitive policies and programs.

Despite these developments and the increased tension felt by all states as a result of the decision in *Hopwood*, some form of race-sensitive scholarship persists in most of the states we analyzed. In many places these are operated at the institutional rather than the state level. Often, these scholarship programs were devised as a result of desegregation negotiations with federal officials that began more than 20 years ago. In other instances, they arise out of a judicial decree. Whatever their origin, the continued existence of these scholarship programs speaks to their ongoing importance in securing access to higher education for black students.

Colleges and universities, particularly those in states with a history of segregation in higher education, must not use the *Hopwood* case — a decision that does not apply to most of them — as justification to curtail efforts to promote equity.

Changes in Admissions Standards and Remediation Policies, and the Status of Race-Sensitive Admissions Policies

Redeeming the American Promise urged higher education systems to adopt some of the reform strategies that, in 1995, were beginning to have positive impacts in elementary and secondary education. Prominent among these strategies is that of raising performance expectations for all students. In postsecondary education, higher expectations often translate into higher admissions requirements for applicants. In the last three years, many of the states that we monitored have adopted or plan to adopt more stringent admissions standards at their institutions.

States that have raised admissions standards in higher education have done so for a variety of often interconnected reasons. Some states, by raising standards and applying them uniformly throughout the system, wish to abolish some of the surviving aspects of prior dual systems, which mandated differential admissions standards for TWIs and HBCUs. Where uniform admissions standards have been adopted, they will eliminate differential and racially identifiable admissions policies at state universities. In other states, more rigorous admissions standards have been adopted to encourage high schools to do a better job of preparing students. Finally, a few states are using new admissions policies to enhance the

reputations and prestige of their colleges and universities, reasons that often have little to do with promoting the interests of students. Regardless of the reasons or the weight given to them, it is clear that, in adopting tougher admissions standards, the states that we are studying have joined a national movement among public universities.[75]

Higher admission standards are in some cases (see the accompanying discussion of Georgia and Maryland) connected to the introduction of new, more rigorous secondary school curricula and tougher high school graduation requirements. We strongly believe that, if properly developed, thoroughly explained to students and their families, and fairly implemented, the new curriculum standards in K-12 can benefit black students as much as their white peers. These higher standards have great potential to lead to better teaching and learning and to provide better-prepared graduates with more chances of success in a rapidly changing work environment that rewards knowledge, adaptability and flexibility. Where, however, these standards are poorly conceived and arbitrarily applied, they will threaten both student motivation and achievement and be perceived as a means of perpetuating inequities rather than fostering excellence. Effective standards can spur students to learn and will measure not only their performance but also that of the institutions charged with their education. Ineffective standards, though, will serve as yet another barrier to access.

In many states, adoption of new standards – whether in college admissions, high school curricula or both – has coincided with moves to abolish remedial efforts in higher education. At least eight states have sought to reduce the role of four-year colleges and universities in the remediation process either by directly removing it from four-year institutions, reducing or eliminating funding for it, or by making changes at the secondary level to reduce the need for it. Georgia has determined to eliminate remedial programs by the year 2001. South Carolina in 1996 removed remedial education from its four-year institutions. In Texas, tests that had been administered to lower division college students will, beginning this year, be given to high school students. By taking the test earlier, lawmakers hope that students will be able to identify and take additional classes in areas in which they are academically weak, thereby reducing the need for and cost of remedial efforts in college. Mississippi has also attempted to remove remedial education from its four-year institutions. Its efforts, however, have been questioned by a federal court of appeals. (See pages 43-47.) Figure 7 summarizes the actions of various states around admissions standards and remediation policies in higher education.

The adoption of tougher admissions standards and the abolition of college-based remediation raise questions about access to higher education. Courts have agreed[76] with the prevailing educational assumption that more rigorous admissions standards do serve legitimate educational ends. The question for states now is how more stringent admissions standards ought to be developed and implemented.

We believe that, in designing and administering new admissions policies, officials should be mindful of the continuing effects of poor preparation in elementary and secondary education on black students. It is a mistake for states to raise admissions standards quickly and without the systemic

Figure 7

Greater Expectations: Changes in Admissions and Remediation Policies

Raising Admissions Standards

System-wide Changes:	Georgia, Mississippi
Individual Institution Changes:	Arkansas, Louisiana, Maryland, Missouri, Ohio, Pennsylvania, South Carolina, Texas, Virginia

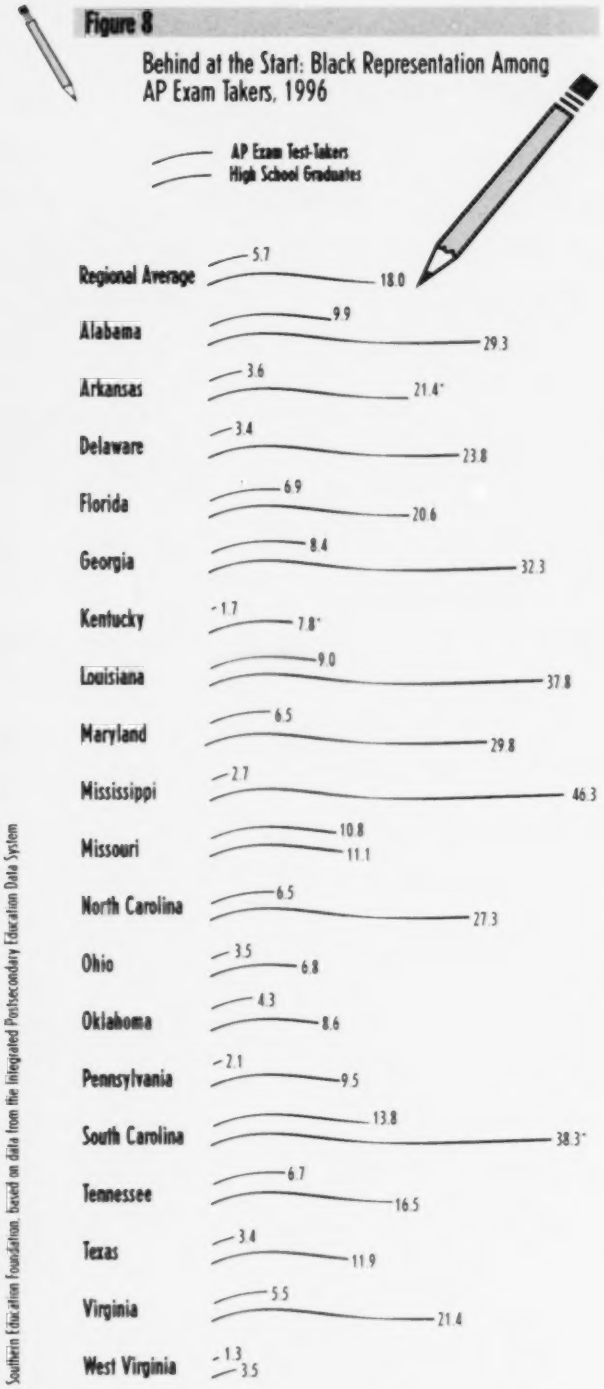
Reducing or Eliminating Remediation

Funding Eliminated:	Arkansas, Virginia
High School-Level Changes:	Florida, Texas
Four-Year Institution Ban:	Georgia, Mississippi, South Carolina
Selected Institutions:	Missouri

Source: Southern Education Foundation

Figure 8

Behind at the Start: Black Representation Among AP Exam Takers, 1996



Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System

In virtually every state, black students continue to be significantly underrepresented in the courses that offer the most rigorous preparation for higher education.

* *1994-95 High School Graduation*

support needed to ensure that all students, blacks among them, get the preparation needed to meet the new admissions standards. Mississippi's experience, described on pages 44-45, is a cautionary tale.

Race-sensitive admissions. Like race-based scholarships, race-sensitive admissions policies continue to be controversial. As we discuss below, this controversy has increased since the decision in *Hopwood v. University of Texas School of Law*. What is notable is that in every state but Texas, some form of race-based admissions exists, usually as an institutional practice rather than as an explicit state policy. In some places these practices are the result of judicial decisions or negotiated settlements with the federal government and, as such, are considered remedies for prior segregation. Other institutions regard these programs as a means of fostering a diverse student body.

Institutions that use race-sensitive admissions and financial aid policies as strategies to increase access for black students are doing the right thing. These practices remain essential if we are to increase black access to traditionally white institutions. Colleges and universities, particularly those in states with a history of segregation in higher education, must not use the *Hopwood* case – a decision that applies only to one judicial circuit – as justification to curtail efforts to promote equity.

Building More Comprehensive Systems

Comprehensiveness is one of the three fundamental principles posited in *Redeeming the American Promise* as essential for the transformation of systems of public higher education. Each sector of education – K-12, two- and four-year colleges and universities – is linked to the others; what happens to students on one level inevitably affects their performance at the next. Each of these sectors is the creation of the state and, if the state is to succeed in building opportunity-driven systems of higher education, it must strengthen the connections among them.

States face daunting challenges in creating these seamless systems. Tradition and turf limit educators' efforts to link K-12 with higher education in ways that go beyond individual programs of limited duration. They also inhibit efforts to improve student learning through far-reaching education reform and prevent students and their families from developing a clear understanding of what it takes to matriculate at and succeed in college.

A few states, however, have determined to establish stronger and more formal connections among their K-12 and higher educational systems. Georgia and Maryland, whose efforts are described on page 24, are at the forefront of this movement, but other states, including Missouri and Ohio, have begun similar initiatives. These efforts to build comprehensive linkages, while in the early stages, are particularly important for black students. They recognize that poor preparation in elementary and secondary schools profoundly affects access, and they promote the involvement of families and the community in efforts to foster new awareness of what is required to gain admission to and successfully complete postsecondary education. These understandings – and the support that accompanies them – are of critical importance in stimulating black students' interest in attending college.

How far we must go to do so is in part indicated by the representation of blacks among Advanced Placement (AP) exam takers. (See Figure 8.) Preparation for AP exams by enrolling in certain courses signifies interest in going to college as well as exposure to a more demanding curriculum. Few black high school students are getting the benefits of the rigorous preparation offered in AP classes. The disproportionate absence of black students from these classes suggests either that many attend secondary schools which do not offer these classes or that blacks continue to be tracked into courses and programs that will not lead them to college.

National data from the ACT indicate that black students, as well as other minorities, are less likely to participate in a college preparatory curriculum than white students are. In 1997, 55.8 percent of all black students who took the ACT exam had completed the college prep curriculum, which consists of four years of English, three years of math, three years of social studies and three years of science. Sixty-two percent of white students had completed the college prep curriculum.[1]

Moreover, low-income students, disproportionately likely to be black, are less likely to complete the college prep curriculum than students from families with higher incomes. Among

Promising Practices: Texas

Redeeming the American Promise not only called for expanded efforts by state systems to increase opportunity, but also for individual institutions to make their own commitments to improving equity. With an outreach strategy created by black faculty, the University of Houston has developed a program that is expanding access to higher education among minority students. Each fall, the university contacts local high schools to identify seniors with B averages or better. These students and their parents are then invited by admissions officials to participate in a day-long, on-campus event. The day includes sessions on the admissions process, financial aid and job opportunities as well as an academic fair attended by every undergraduate department chair. Participants also have an opportunity to meet current students and people of color in key leadership positions throughout the university. In 1995, prior to the program's implementation, black students represented approximately 8.5 percent of all undergraduates. By the 1997-98 academic year, they comprised more than 11 percent, an increase officials attribute to the program.

The university is also working to ensure its students' success through various mentoring and support programs. At-risk students in engineering and pharmacy programs are matched with both student and faculty mentors. Science and engineering programs also offer a "first-calculus" class for at-risk students.

black students, just over half of those at the lowest income levels had completed the college prep curriculum, whereas virtually two-thirds of those at upper income levels had. Those who had completed the curriculum earned higher ACT scores – pushing the door to higher education open a bit more – than those who had not.[5]

Major barriers to equitable access continue to limit the representation of blacks in higher education. If the proportion of blacks in college is to reflect their presence in the population, admission and financial aid policies must take into account the history of discrimination that has led to vast income disparities between the races along with the inadequate preparation for college that black students frequently receive. Finally, states must at last dismantle what remains two systems of public higher education. By unambiguously welcoming black students to traditionally white institutions and by making HBCUs attractive and fully competitive places, states can encourage their institutions to reflect the diversity of their citizenry.

Success

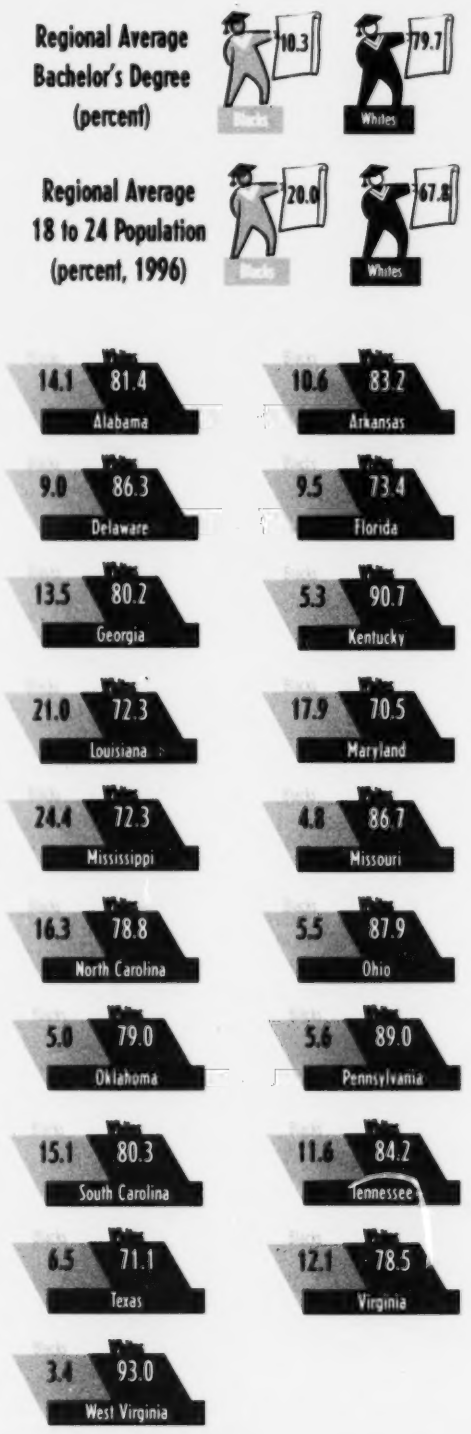
As we discussed above, reports of substantial increases in the number of blacks graduating from four-year colleges and universities have led to assumptions that extraordinary efforts to increase black access to and success in higher education are no longer necessary. These numbers by themselves, however, do not tell the whole story.

Figure 9 provides a breakdown of bachelor's degrees awarded by race at public institutions in 1995. The average representation of blacks among degree earners across the region was 10.3 percent, significantly lower than their representation among the 18- to 24-year-old population.

As Figure 10 demonstrates, it has taken 19 years for the percentage of blacks among degree earners in the region to creep upwards 1.8 percentage points. These trend data reveal that, between 1980 and 1990, 16 of the 19 states lost ground

Figure 9

Less Than Fair: Bachelor's Degrees by Race, 1995



Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System

Across the region, while whites continue to be overrepresented among bachelor's degree earners, blacks remain significantly underrepresented.

Figure 10

A Stagnant Pool: Trends in the Representation of Blacks Among Bachelor's Degree Earners, 1976-1995

Regional Average	8.5	9.0	8.1	8.2	10.3
	1976 77	1980 81	1984 85	1989 90	1994 95
Alabama	11.1	13.0	11.6	10.7	14.1
Arkansas	11.7	12.8	10.2	9.8	10.6
Delaware	8.0	6.9	7.0	7.1	9.0
Florida	7.2	7.8	6.6	6.0	9.5
Georgia	9.7	9.5	9.9	11.0	13.5
Kentucky	5.4	4.8	3.9	4.4	5.3
Louisiana	18.7	18.8	16.2	18.1	21.0
Maryland	12.3	12.9	12.2	12.3	17.9
Mississippi	23.1	24.9	23.0	21.2	24.4
Missouri	3.9	4.3	4.2	3.8	4.8
North Carolina	16.3	16.6	14.7	14.5	16.3
Ohio	4.6	5.2	3.9	4.3	5.5
Oklahoma	4.9	4.2	4.7	4.7	5.0
Pennsylvania	5.0	5.4	5.0	5.1	5.6
South Carolina	10.9	13.4	13.5	13.0	15.1
Tennessee	8.5	11.0	10.1	9.8	11.6
Texas	5.4	5.5	5.1	5.5	6.5
Virginia	10.4	9.5	9.0	8.8	12.1
West Virginia	3.0	3.3	2.5	2.9	3.4

Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System

Over the last 20 years, the representation of blacks among bachelor's degree earners has barely increased.

in the proportion of blacks among bachelor's degree earners. By 1995, all but two of these states had recovered, although six could not even show a full point gain.

This is not simply a regional issue. What happens to black students in these states has profound national significance. In 1996, 81,287 blacks were enrolled as first-time, full-time freshmen at public colleges and universities across the nation. Almost three-fourths of them – 57,978 – were enrolled in these 19 states.

Our previous discussion makes clear that this lack of progress in producing more black graduates is in large part attributable to states' failure to expand access to college. Just as telling, however, is the number of black students admitted to college who fail to graduate. Figure 11 provides an estimate of the progression and graduation of black students over a six-year period: at each stage of higher education, there are fewer and fewer blacks. While success is not guaranteed for white students, they move more steadily toward it. The over-representation that began in their first year of college only increases as their academic careers progress.

There are many reasons for this, and they were discussed at length in *Redeeming the American Promise*: inadequate preparation, inhospitable climates, poorly thought-out academic and support strategies, insufficient financial aid, and lack of minority faculty and staff to mentor and serve as role models for these students. As we discussed three years ago, each of these conditions can be remedied, but all require active responses from the states.

Three years ago, we found that the higher the degree, the lower the representation of blacks. After two decades, states have made almost no progress in increasing the percentage of blacks in graduate programs – the proportion of blacks among doctoral degree earners has not budged a full percentage point. In 1976-77, blacks represented 3.8 percent of students who earned doctoral degrees. In 1994-95, they represented half a percentage point more – 4.3 percent.

Just as the proportion of blacks earning Ph.D.s is restricted, so too are their fields of study. An analysis of doctoral degrees by field reveals that of the 553 doctoral degrees awarded to blacks by public institutions across these 19 states in 1994-95, almost half were in education. Education aside, many of these states, if they produce black Ph.D.s in other fields, typically produce just one a year. Mathematics and computer science in particular are barren of black Ph.D.s. In 1994 and 1995, 14 states did not produce a single black Ph.D. in either of these fields.

This low production of Ph.D.s has had a devastating effect on black presence on faculties. Only five states (Alabama, Louisiana, Maryland, Mississippi and North

Figure 11

Falling by the Wayside: Estimated Progression of Black Students From Enrollment Through Graduation, 1988-1994

	Full-time Freshmen 1988	Full-time Sophomores, Juniors, Seniors 1990	Bachelor's Degree 1994
Regional Average	14.7	11.1	9.8
Alabama	23.9	14.5	12.7
Arkansas	17.8	13.4	9.8
Delaware	14.3	9.7	9.3
Florida	16.4	10.2	8.9
Georgia	17.8	13.3	12.8
Kentucky	8.5	5.9	4.7
Louisiana	29.5	23.2	21.7
Maryland	22.8	17.3	15.9
Mississippi	39.7	28.1	23.2
Missouri	6.8	5.1	4.9
North Carolina	22.0	18.0	16.2
Ohio	6.1	5.8	5.2
Oklahoma	7.7	5.8	5.2
Pennsylvania	8.2	6.0	5.4
South Carolina	16.3	16.4	14.0
Tennessee	15.5	13.0	10.4
Texas	10.9	7.1	6.3
Virginia	19.7	13.4	12.0
West Virginia	5.2	3.4	2.7

Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System

Admission to higher education is, by itself, no guarantee of success; approximately one-third of blacks who enter four-year institutions do not earn degrees within six years.

Figure 12

Narrow Pathways: Fields of Study Among Black Doctoral Degree Earners, 1995

Total 553

	Number	Percent
Business Administration & Marketing	14	2.5
Mathematics & Computer Science	5	0.9
Education	261	47.2
Engineering	23	4.2
English & Foreign Languages	11	2.0
Biological Sciences	33	6.0
Physical Sciences	18	3.3
Psychology	54	9.8
Health Professions	38	6.9
Social Science & History	28	5.1
Other	68	12.3

Source: Southern Education Foundation, based on data from the Integrated Postsecondary Education Data System

The small number of black doctorates are concentrated in education; few blacks earn Ph.D.s in other fields.

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Carolina) were able to report black representation among full-time faculty at both two-year and four-year institutions of more than 10 percent as late as the 1995-96 academic year (see Figure 13). Yet even these numbers paint a falsely optimistic picture of the inclusion of blacks on faculties. Blacks make up just 2.1 percent of full-time faculty at Louisiana's flagship university and 3.6 percent at Alabama's. In Mississippi, fully 87 percent of all black faculty are to be found at either community colleges or HBCUs; in North Carolina, the figure is 80 percent, and in Maryland it is 66 percent.

Figure 13

Missing Mentors: Representation of Blacks Among Full-Time Faculty, 1995-1996

Black faculty, essential for providing role models and mentoring, are substantially underrepresented in every state.

This grim picture of black success in graduate education is lightened somewhat by an analysis of those who earned professional degrees. In 1976-77, across these states, blacks represented 3.7 percent of the students who earned professional degrees. By 1994-95, that figure had doubled to 7.4 percent, a clear improvement. The majority of professional degrees earned by blacks were in law – 62.3 percent. Law degrees were popular among whites as well, but not to the same extent – they comprised 48.4 percent of first professional degrees among white students.

Many of these new black law graduates, however, are educated separately from their white peers. Three HBCUs have law schools – Texas Southern University, North Carolina Central University, and Southern University in Louisiana. These three law schools accounted for virtually one quarter of all law degrees earned by blacks across the 19 states in

Promising Practices: Mississippi

Rather than closing HBCUs or merging them with TWIs, *Redeeming the American Promise* urged states to restructure higher education systems so that historically black and traditionally white institutions would work collaboratively to improve the academic experiences of all students. Through the Institute for Effective Teaching Practices, Mississippi Valley State and Delta State universities in Mississippi are creating a model for how other HBCUs and TWIs throughout the region can work together.

Created in response to the *Fordice* decision, the Institute is situated at Mississippi Valley and its director is a professor of psychology at Delta State. The overall goal of the Institute is to improve the educational climate in the Mississippi Delta. It seeks to do so by being a resource center for teachers in local elementary and secondary schools as well as for students at both universities. It also seeks to promote greater connections between the local schools and faculty at both universities. Current Institute initiatives include joint workshops for local teachers and collaborative faculty research focusing on technology.

1994-95. As is true in many states at the undergraduate level, HBCUs have been and remain critical in providing professional education, at least in the field of law.

As we emphasized three years ago and discuss above, barriers to black success in college are long-standing. Institutions are not unaware of these obstacles and have designed programs that focus on aspects of them. Some recent efforts which report positive results are described in Appendix A. We believe that their impacts would be greater if they were designed as part of a comprehensive approach to the full range of problems that black students face. Yet even this comprehensive approach will not succeed without a sense of urgency and corresponding action – an explicit recognition by campus leaders that the low rate of black success is unacceptable and a commitment of institutional resources and energy to improving it.

Accountability

As states apply new and more rigorous standards to their students, they also must look closely at their own performance, for they are no less responsible for student success than the students themselves. Transformed systems of higher education – which are effective and inclusive – must be built on a bedrock of accountability.

In the last few years, many states have adopted the rhetoric of accountability and a few have proceeded to implement specific accountability measures. We look here at developments in three areas that can affect state and institutional accountability for improved access and success for black students: performance funding; new and more comprehensive reporting requirements; and the responsibility of the federal government, particularly that of the Department of Education's Office for Civil Rights, in prodding states to promote opportunity in public higher education.

Performance Funding

In *Redeeming the American Promise*, we urged states and institutions to develop and apply measures of success and failure to their activities and to be forthcoming about their progress in setting and meeting goals that would foster minority access and success. In recent years, a growing number of the 19 states have turned to performance funding mechanisms. These reward institutions for meeting specific goals or indicators. Performance funding can serve as a strategic device to identify and recognize those institutions that meet or exceed access and success goals for minority students.

South Carolina is among the states that have implemented or made changes to existing performance funding schemes. The state is breaking new ground by tying 100 percent of state higher education funding to performance indicators. The access indicator includes the percentage of other-race students as well as the retention rate of these students.

Missouri, with its Funding for Results program, has also used performance funding to raise enrollment, retention and graduation rates of underrepresented groups. Institutions can receive financial bonuses for graduates who are black, Native American or Hispanic. The state considers Pell grant recipients to be "underrepresented" so institutions can receive the same bonus for graduating these students as well.

South Carolina and Missouri are the exceptions; in general, states have failed to use performance funding to promote equity. Rather they have created or refined these programs with scant attention to indicators of minority access and success. Tennessee, for example, was an early pioneer in performance funding. Under a prior system of allocating rewards for accomplishments, minority enrollment, retention and graduation rates accounted for about 10 percent of state funding for individual institutions. Recently, however, Tennessee began another five-year program cycle, and in the

process, decreased its emphasis on minority enrollment and progress in higher education.

Arkansas' performance funding system originally distributed incentive funds to colleges based on retention, graduation, faculty/staff diversity, and other factors in which equity plays a role. Interviews in the region revealed that the Arkansas program served as an example for other states as they attempted to include equity in performance funding schemes. However, citing lack of interest among state officials, Arkansas recently ended the state's productivity funding program.

Ohio has a similar performance funding plan, Success Challenge, where institutions are awarded funds on the basis of graduation rates for "at-risk" students. "At-risk" students are defined as those students eligible for Pell grants or Ohio Instructional grants. The program criteria do not include the enrollment, retention and graduation rates of underrepresented groups, including blacks.

Promising Practices: Florida

The student-centered system of higher education envisioned in *Redeeming the American Promise* rests in part on full partnerships between two-year and four-year institutions. Too often, two-year institutions, which are significant points of access to higher education for black students, fail to be stepping stones to four-year institutions. Florida A&M University (FAMU), the state's sole public historically black university, has established partnerships with two community colleges, Miami-Dade Community College and Pensacola Junior College. A third partnership, with North Florida Community College, will begin this fall with an emphasis on criminal justice and elementary education. These partnerships assist students in completing baccalaureate degrees.

Through these and other outreach efforts, FAMU has almost doubled its white enrollment in the past five years, from 370 (3.9 percent) in fall 1993 to 731 (6.6 percent) in fall 1997. This, in turn, supports the continued growth of FAMU as an institution dedicated to the academic success of all students.

Kentucky initiated a new accountability system in higher education which ties financial rewards to institutional progress in meeting certain indicators. Progress on equal opportunity was included as an optional performance indicator. The only institution in the state willing to be evaluated on this criterion was Kentucky State University – the state's sole HBCU.

In most of the states we looked at, there exist equal opportunity goals, many of which were established years ago in negotiations with the Office for Civil Rights. In a few cases, states have amended these goals to include incentives for compliance. While these are not the financial rewards contemplated by a true performance funding scheme, they can help motivate institutions to take action to recruit more minorities, improve the institutional climate for them, and provide support systems to ensure their graduation. In Kentucky, for example, automatic permission for a college or university to launch new programs is contingent upon meeting goals set forth in the state's equal opportunity plan.

To date then, the utilization of financial incentives to promote opportunity has been far more conceptual than concrete. Incorporating the adoption of opportunity-driven assessments in higher education is, we believe, an essential and effective element of accountability and should be utilized by educational leaders.

New Reporting Requirements

Real accountability cannot exist without information on which to judge progress. Almost all of the 19 states now require annual reports or a similar summative document on developments and accomplishments in higher education. These reports generally contain basic information on enrollment, graduation, faculty and, in some cases, detail progress on institutional performance.

More systematic reporting requirements are, in some states, closely related to fledgling attempts to create the more comprehensive, connected systems discussed above. High

schools in Arkansas, Maryland, Oklahoma and Virginia are among those that get reports on the college progress of their graduates. Georgia is developing a comprehensive database that will allow educators to track students' progress from kindergarten through higher education. A new law in Missouri requires colleges and universities to report back to high schools about the success of their graduates, and Alabama is also studying the concept.

The Federal Responsibility

Responsibility – and authority – for conceiving and implementing creative and effective initiatives to promote opportunity rest within each of the 19 states. History makes clear, though, that unequivocal enforcement of the law and persistent pursuit of equity by the federal government are critical to efforts to dismantle segregation. While *Redeeming the American Promise* was hopeful that states would take advantage of the possibilities that *United States v. Fordice* presented to develop desegregated and transformed systems of higher education, it also emphasized the continuing and central role of the federal government in interpreting and enforcing the law to ensure that such systems were developed. Within the federal government, the responsibility for doing so rests in large part with the Department of Education's Office for Civil Rights (OCR).

History makes clear, though, that unequivocal enforcement of the law and persistent pursuit of equity by the federal government are critical to efforts to dismantle segregation.

OCR's approach has evolved somewhat from its traditional monitoring and enforcement activities and the sometimes adversarial stance it adopted in investigating and negotiating with states in matters relating to equity in higher education. The agency is attempting, where possible, to pursue "partnerships" with the states. While the partnership approach has never been explicitly defined, its intent appears to be to develop, through intensive collaboration with stakeholders in the states, mutually acceptable goals and strategies to promote desegregation. The partnership process seeks to establish "a dialogue" and "direct cooperation and interaction" between the state and OCR.

In its work on issues of higher education desegregation in the last few years, OCR has sometimes explicitly adopted a partnership approach and, in other instances, has proceeded in a more traditional vein. Regardless of how the agency characterizes its involvement, it is clear that OCR is displaying heightened sensitivity to states' perspectives. What effect this will have on opportunity in higher education remains to be seen.

In January 1994, OCR announced that, under Title VI of the Civil Rights Act of 1964, which prohibits the use of federal funds by colleges and universities that discriminate on the basis of race, it would proceed to enforce the *Fordice* decision. The agency reaffirmed that all states with a history of *de jure* segregated systems of higher education must ensure that no vestiges of segregation with current racially discriminatory effects continue. OCR indicated that it would concentrate its monitoring and evaluation efforts on six "open" higher education systems – those that were operating under desegregation plans that have expired. The states subject to OCR scrutiny under the announced approach are Florida, Kentucky, Maryland, Pennsylvania, Texas and Virginia.

OCR's work is at different stages in the six states and, until recently, had not been completed in any. In July 1998, however, an agreement was reached with Florida where discussions and negotiations among the various stakeholders had been underway for more than three years. Central to the agreement is a series of "commitments" made by the primary parties - the U.S. Department of Education, including OCR, and the State of Florida. State education agencies participating in the process include: the State University System (SUS),

the State Board of Community Colleges (BCC) and the Florida Department of Education (FDoE). The Florida Association of Independent Colleges and Universities and the Florida Association of Independent Schools and Colleges have also made commitments as part of the agreement.

Among the more significant commitments arising out of the partnership are those directed to historically black Florida A&M University (FAMU). SUS has agreed to strengthen and improve academic programs and facilities at the university. Programs in agricultural teaching, research and extension services as well as core programs in the College of Arts and Sciences will be enhanced. Enhancements will also be made in faculty development and financial aid at the School of Architecture. The cost of these enhancements will total about $7.5 million. The university system also committed itself to "good faith efforts," which include making appropriate legislative requests, to complete construction of FAMU's Architecture and Allied Health Buildings by 1998 and 1999 respectively. In addition, the state has made commitments to complete, over the next five years and pursuant to previously established schedules, capital construction projects for Pharmacy, Journalism, Business and Engineering. OCR estimates the total value of these capital projects, when completed, at about $80 million.

Including the commitments to FAMU, the various educational sectors in Florida and the U.S. Department of Education have made some 50 commitments, all but five of which are from the state groups. They include: a recognition of the importance of new K-12 standards and commitments by FDoE to take steps to ensure that the higher standards do not have a "negative impact" on minority students; commitments by several sectors to ensure an "adequate level of need-based financial aid programs"; and "inter-sector" commitments between SUS and FDoE to collaborate on the K-12 standards and between SUS and BCC to collaborate on evaluating black student transfers from community colleges to four-year institutions. Because they explicitly recognize the importance of both need-based financial aid and cooperation among sectors, the commitments build on OCR's traditional approaches to embrace more comprehensive strategies to promote opportunity and are welcome results of the partnership.

The remainder of the state commitments for the most part obligates the various sectors to continue current activities in the areas of minority access, success, employment and data collection to monitor progress. The agreement does not call, however, for specific, measurable increases in either the numbers or percentages of minority students enrolling in or graduating from four-year postsecondary institutions.

The success of the agreement depends almost entirely upon the good faith adherence of the various state entities to their commitments. Progress toward meeting these commitments is to be assessed by a Partnership Team consisting of representatives from the various state-based entities charged with implementing them. OCR will "assist" the team "as

Promising Practices: Ohio

Creating desegregated systems of higher education – ones in which student choice of institution is unfettered by race – requires states to invest effort, time and, equally important, funds in programs and policies to improve access and success. Ohio, through its Access Challenge program, is investing in such reform. Through Access Challenge, $28 million is being dispersed to all two-year campuses and three "access" universities (Cleveland State, Central State and Shawnee State universities) in FY 98 and will be again in FY 99 based on general studies or lower division enrollments. Campuses will use at least 50 percent of these funds to hold tuition increases below the 6 percent cap allowed by Ohio's general assembly. Such steps are important for keeping college affordable for all students, but particularly black students whose families are disproportionately likely to be low-income.

appropriate" in addressing implementation issues. If the parties are not able to resolve matters through the assessment process, then OCR can launch an investigation and, ultimately, recommend a traditional enforcement proceeding.

The Florida dialogue has taken considerable time and, by many reports, was not an easy process. Legislative reluctance to provide support for elements of the plan, concern that remedies might be perceived as benefiting one race at the expense of another, and cost were all stumbling blocks to an agreement. As a model for its future efforts, OCR's success in obtaining explicit agreements reflecting the importance of comprehensive approaches to opportunity is significant. On the other hand, the absence of specific state commitments to increase the representation of minorities in higher education and a review process that can delay federal enforcement proceedings cause concern.

OCR has also embarked on a partnership approach in Pennsylvania, where the stakeholders' working group consists of representatives from the state's two HBCUs, the Pennsylvania State System of Higher Education, state-related TWIs (Penn State University, Temple University and the University of Pittsburgh), the state's Department of Education, community colleges and OCR. OCR has been gathering information on recruitment, retention and campus climate and has conducted several site visits.

The partnership in Pennsylvania has been tenuous, and OCR has at times considered ending it and moving instead to an investigation. At present, however, the partnership continues, but with the absence of representatives from the governor's office. While no findings have been released, the working group will develop recommendations about how institutions can expand opportunity; a timeline has not been established for this process.

Following an initial meeting with representatives of the governor's office, the state attorney general, and the Higher Education Coordinating Board, OCR is currently reviewing Texas' progress in creating a desegregated system of higher education. Its focus is on eight areas: institutional mission assignment; unnecessary program duplication and program offerings; admissions criteria; recruitment; retention; graduation; articulation agreements; and resources available to different institutions with an emphasis on facilities.

OCR's work in Texas, which it does not at this time consider a partnership state, is ongoing, and the agency is unable to predict when it will finish its review. A determination by OCR that remnants of segregation remain in the state's higher educational system and that race-sensitive remedies are required to remove them will highlight the tension between the Fifth Circuit's decision in *Hopwood v. University of Texas School of Law* and the U.S. Supreme Court's opinion in *Fordice*. We discuss this tension in Chapter 3.

OCR recently announced its intention to begin work in Virginia; a meeting between OCR and Virginia officials was scheduled for May 1998. OCR has made no announcement

Promising Practices: North Carolina

As emphasized in *Redeeming the American Promise* and as some institutions have recognized, closer connections need to be built between two-year and four-year institutions if black and other students are to have greater access to and success in higher education. Several states including North Carolina have developed system-wide articulation agreements. Following a legislative mandate, the University of North Carolina system and the state's community colleges reached broad agreements to ease the transfer process from two-year to four-year institutions. Faculty from both sectors established a set of core courses at community colleges that can gain acceptance at any UNC campus. Faculty has initially focused on those disciplines with the largest number of transfer students such as nursing, education and business. Agreements will be reached for other disciplines in the future.

about how it will proceed in either Kentucky or Maryland.

By launching an investigation in Ohio, OCR indicated that it will not limit its work to the six states it had identified in 1994 as priorities. OCR's efforts in Ohio focused on Central State University, the state's sole HBCU, which was in the midst of a financial crisis. OCR engaged in numerous discussions with Ohio officials which resulted in a series of agreements and actions to stabilize, reposition and rebuild Central State University. In March 1997, Ohio's general assembly appropriated $10.3 million for the university to facilitate the reduction of its operating deficit. The following June, the legislature provided the institution with $29.3 million for operating expenses for the 1998-99 biennium. An additional investment was made to improve facilities.

The legislation required the institution, among other things, to reallocate its budget, reduce faculty and staff, raise its admissions standards for freshmen entering after July 1, 1998, reduce the student attrition rate, and gain accreditation from the North Central Accrediting Association. A new plan to strengthen Central State's mission and programs was promulgated; the plan provides for collaborative efforts with other Ohio colleges.

As a result of these undertakings by the state, OCR closed its investigation in February 1998. The agency will not actively monitor further developments in Ohio, but rather has accepted the state's "commitment to inform us (OCR) regularly of your (Ohio's) progress with the implementation" of the legislation and plan.[7] OCR's intervention in Ohio has proved, for now, successful. Central State University has survived, has received a significant influx of funding, and has a plan for its continuing viability which includes increased accountability for its performance.

OCR's evolving approach – combining traditional monitoring and enforcement techniques with a desire to collaborate with the states – reflects a changing political context which includes: increasing emphasis on the states' responsibility to desegregate their higher education systems; a federal administration which gives the states wide latitude; and a Congress in which civil rights enforcement is not a priority. This new context, while threatening to the ends that the agency was created to pursue, does not free OCR from its mission. A strong federal commitment to removing the vestiges of segregation from the states along with vigorous efforts to ensure compliance remains essential to ensure that state officials will take the steps necessary to transform their systems of higher education. For OCR this means a continuing commitment to those elements which distinguished its earlier efforts to ensure fairness in public education: prompt engagement of those states where there are issues needing review; zealous uncovering of facts; clear articulation to the states and the public of the issues involved; and as timely a resolution as circumstances and fairness warrant.

To a significant extent, OCR's work results from judicial opinions that initially expanded opportunity. Federal court

Promising Practices: Southern Regional Education Board

The Southern Regional Education Board (SREB), an educational policy research and advancement organization supported by 15 Southern states, runs the Doctoral Scholars Program. The program's goal is to increase the number of minorities pursuing and earning doctoral degrees, particularly in the fields of mathematics, science and engineering, who will go on to teach at the postsecondary level. The Doctoral Scholars Program provides financial support to students for up to five years of graduate study and assists them, as well as higher educational institutions, in identifying employment opportunities. Fourteen Southern states are participants in the program. Now in its fifth year, there are 151 scholars currently in the program. Several of the states analyzed in this report cited the program as important in encouraging minority students to pursue graduate study.

decisions helped change the expectations and behavior of the South and the nation. As the next chapter details, however, courts can no longer be relied upon to further efforts to achieve equity in higher education; in some instances the judiciary is now limiting attempts to create opportunity-driven systems of higher education.

Endnotes: Chapter 2

[1] Southern Education Foundation, *RTAP*, 30

[2] Samuel M. Kipp, III, "Demographic Trends and Their Impact on the Future of the Pell Grant Program," (Washington, D.C.: The College Board, 1998 [http:www.collegeboard.org/index_this/policy/html/kipp.html])

[3] Southern Regional Education Board, *SREB Fact Book on Higher Education 1996/1997*, 141

[4] "The State of Working America 1996-97," (Washington, D.C.: Economic Policy Institute, 1996 [http://epn.org/epi/epswa-ex. html])

[5] U.S. Census Bureau, Poverty Thresholds: 1995, http://www.census.gove/hhes/poverty/threshld/thresh95.html

[6] The College Board, *Trends in Student Aid: 1987 to 1997*, (Washington, D.C., September 1997) 6-7

[7] Ibid., 12

[8] U.S. Department of Education, "Families' Guide to the 1997 Tax Cuts for Education," www.ed.gov/inits/hope/97918tax.html

[9] Ibid

[10] The College Board, *Trends in Student Aid: 1987 to 1997*, 13

[11] Calculations by the Southern Education Foundation based on data from the National Association of State Student Grant and Aid Programs *27th Annual Survey Report: 1995-96 Academic Year.*

[12] Georgia Student Finance Commission, www.gsfc.org/gsfc/hopepage.htm

[13] Southern Education Foundation, *RTAP*, 33, 55

[14] "Private Scholarships are Legal, Texas Says," *Chronicle of Higher Education*, June 26, 1998

[15] "Legislatures Show Little Enthusiasm for Measures to End Racial Preferences," *Chronicle of Higher Education*, March 13, 1998

[16] "Colleges Retool Outreach Efforts As Affirmative Action Changes," *Education Week*, Volume XVII, Number 27, March 18, 1998

[17] Southern Education Foundation, *RTAP*, 20

[18] "Raising Standards Enhances Appeal of State Universities," *The New York Times*, Wednesday, January 10, 1996; 1, B8

[19] See *United States v. Fordice*, 111 F.3d 1183 (5th Cir. 1997)

[20] In Chapter 3 we consider the conflicts between the Supreme Court's decision in *Fordice*, which looks to system-wide affirmative remedies for desegregation, and the Fifth Circuit's decision in *Hopwood*, which greatly restricts educators' targeted use of race-sensitive measures to promote opportunity and diversity on college campuses.

[21] "Academic Preparation for College, 1983 to 1997," *Postsecondary Education Opportunity*, No. 66, December 1997

[22] Ibid

[23] See, for an example of the concepts behind this approach, correspondence from Norma V. Cantu, Assistant Secretary of Education for Civil Rights, to George W. Bush, Governor of Texas; February 4, 1997. See also Florida/United States Office for Civil Rights Partnership Report and Commitments, July 1998, 11-14.

[24] The Federal Register: January 31, 1994; Letter from Norma V. Cantú to George W. Bush, February 4, 1997

[25] Florida/United States Office for Civil Rights Partnership Report and Commitments, July 1998

[26] Letter from Norma V. Cantú to George V. Voinovich, Governor of Ohio; February 17, 1998

Restricted Remedies:
The Legal Context for Reform

Despite recent rulings that restrict the freedom of some state officials to promote equity and diversity, *United States v. Fordice,* which ordered states to remove vestiges of segregation from their higher education systems, remains the law.

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This chapter reviews legal developments over the last three years that affect higher educational opportunity in the South. It was in these states that the law first provided the impetus for efforts to promote equity in education. Today, the legal landscape appears to be changing, and many of the state officials who are committed to opportunity no longer have the unequivocal support of the federal judiciary on which to rely in their efforts to transform higher education.

Since the release of *Redeeming the American Promise* in 1995, the legal context has developed in two principal respects. First, the remedies adopted, approved and implemented in states with active higher education desegregation litigation have been limited in scope. Second, lower federal courts have begun to restrict how state education officials can promote equity and diversity through voluntary means, at least where there has not been a finding of unremedied racial discrimination.

Both of these developments create additional challenges for state university systems wishing to ensure genuine access to higher education for all citizens, regardless of race. They also underscore our conclusion in *Redeeming the American Promise* that the primary impetus for reform will not come from the courts but rather from political and educational leaders in the 19 states that once operated dual systems of public higher education.

Higher Education Desegregation Cases

In the last three years, most of the decisions directly addressing higher education desegregation have come from the lower federal courts of the Fifth and Eleventh circuits, which cover six of the states with formerly *de jure* segregated systems of higher education. The United States Supreme Court has not accepted another higher education desegregation case for review since *United States v. Fordice*.[1] Rather, the Fifth Circuit Court of Appeals' April 1997 decision in *Fordice* itself and the Eleventh Circuit's decision in the Alabama higher education desegregation case, *Knight v. Alabama*, provide the primary indications of how courts are likely to address remedial issues in the future. It also is noteworthy that since our original report neither private plaintiffs nor the United States have brought any traditional desegregation cases challenging alleged vestiges of *de jure* segregation in any of the 19 states.

Mississippi

The plaintiffs in *Ayers v. Fordice*,[1] who had originally sued the state requesting a more equitable system of higher education, appealed several aspects of the district court's 1995 remedial order. That order was based on a trial conducted on remand from the Supreme Court. The plaintiffs' appeal raised a number of issues, many of which were discussed in our analysis of the district court's order in *Redeeming the American Promise*.

The major issue on appeal was whether the district court had erred in approving uniform admissions standards for all eight public universities in Mississippi as proposed by the state's board of higher education. The lower court approved the Board's recommendation. The plaintiffs argued that the new standards, which included a higher ACT cutoff score, were inappropriate because they would result in an overall decline in the percentage of black students eligible for regular admission to the system. (A full discussion of the initial impacts of Mississippi's new admission standards is found on pages 44-45.)

The Fifth Circuit agreed in principle with the plaintiffs, but found that "the district court had expressly contemplated" that Mississippi's proposed spring screening and summer remedial programs, which provide an alternative means of admission, "could alleviate any potential disproportionate impact [of the ACT cutoff] on those black students who are capable, with reasonable remediation, of doing college-level work." Moreover, the court concluded that lowering the admissions standards to minimize the number of blacks excluded from admission would be "educationally unsound" because some admitted students would be unprepared to do college-level work.

The court also apparently assumed that such racially targeted scholarships were an appropriate, although not necessarily sufficient, means of remedying past discrimination.

While the court approved the new admissions standards as a whole, it cautioned the district court about the state's treatment of both new and pre-existing remedial programs, for it recognized these programs to be an essential component of the admissions policy. Although the Fifth Circuit found that the district court had not abused its discretion in approving spring screening and summer remedial programs, it expressed concern that these programs were "untested" and might not accomplish the goal of identifying and admitting students capable of doing college-level work after "reasonable remediation." Therefore, the appeals court urged the district court to monitor the future performance of these programs. The court of appeals also expressed concern that the district court, in approving the state's plan, had implicitly eliminated most or all of the previously existing remedial programs. Unlike the new summer program, these pre-existing programs provided academic assistance to struggling students during the academic year. The appeals court urged the district court to consider reinstating these programs.

The Fifth Circuit's focus on pre-existing remedial programs and on the new spring screening and summer remedial programs is encouraging because it implicitly recognizes the importance of the link between the education provided by Mississippi's elementary and secondary schools and equitable access to higher education. It suggests that state education officials have a responsibility to minority students who leave high school unprepared "to do college-level work." On the other hand, it is discouraging because it seems to assume that "reasonable remediation" – a single summer program – alone will be sufficient to overcome the disproportionately adverse impact of the ACT cutoff on minority students and the limitations of their high school preparation. This assumption seems unwarranted. Thus, at least as long as black students leave high school disproportionately unprepared to achieve the minimum ACT scores, Mississippi's university admissions policies seem likely to deny these students equal access to

Mississippi's New Admissions Standards: Unforeseen Consequences After *Fordice*

In 1992, the Supreme Court in *United States v. Fordice* ruled that states which had previously operated legally segregated systems of higher education must take affirmative steps to rid themselves of the remnants of segregation in their colleges and universities.

Mississippi, the state from which *Fordice* arose and which is most immediately affected by the decision, has developed and continues to refine a plan to desegregate its system of higher education. Among the components of Mississippi's plan are: new initiatives and enhancements to existing programs at the state's historically black universities, new and more formal partnerships between historically black and traditionally white institutions, and funds for facilities improvements at the HBCUs.

The desegregation plan also includes new uniform admission standards for Mississippi's eight public universities. Under the new standards, students will be admitted to any public university in the state if they meet one of the following requirements:

1. A high school grade point average (GPA) of at least 3.2 in a college preparatory (core) curriculum;
2. A GPA under 3.2 but equal to or greater than 2.5 in the core curriculum *or* a ranking in the top 50 percent of the high school graduating class *and* a minimum ACT score of 16; or
3. A GPA of 2.0 or higher *and* an ACT score of 18 or higher.

In addition, student athletes who are "full qualifiers" under the NCAA Division 1 guidelines, which became effective August 1, 1996, would be automatically admitted.

For those students who fall below the standards, the state developed a spring screening program and a summer remedial program. Based on the results of the screening program, students are admitted directly into college, sent to the summer remedial program or assisted in developing alternative plans to attending a four-year institution. Those students who successfully complete the summer remedial program are then admitted to college.

The new admission standards have proved to be controversial. Proponents see them as an effective and immediate means to rid the state of one of the vestiges of segregation – differential admission requirements – identified by the Supreme Court, as well as an opportunity to align Mississippi's universities with national and regional trends toward higher standards.

Critics of the new standards, however, are concerned that they might limit black students' access to postsecondary education because they are higher than what had been the standard at all three of the state's HBCUs. They have questioned whether, particularly in the absence of comprehensive reform linking K-12 to two-year and four-year institutions, public high schools could prepare students for the new standards.

Questions were also raised about the cost of the remedial program, which some felt would be prohibitively high for low-income students who could, through the program, gain admittance to a university. Finally, the standards also generated controversy because in implementing them, the state removed remediation from four-year institutions. As a result, universities can no longer offer targeted classes to entering students who have not received adequate preparation in the state's elementary and secondary schools.

These concerns were heightened by the speed with which the state implemented the standards. Wading through the controversy as well as a court challenge, the state implemented the new standards and screening and remedial programs in the fall of 1996. High school students and their teachers had little time to prepare for the changes.

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While initial indicators of the impact of the new standards on black students must be viewed with caution, they raise questions about the continuing access black students will have to Mississippi's public universities.

As the chart below reveals, between fall 1995 and fall 1996, first-time, full-time black freshman enrollment at Mississippi's public universities dropped by 463 students. Most of the decline was at the three historically black universities: the number of black freshmen dropped by 12 percent at Alcorn State, 24 percent at Jackson State and 27 percent at Mississippi Valley State.

With this decline, Mississippi in 1996 had fewer black freshmen and lower representation of them in the cohort than it did 20 years before. In 1976, there were 3,506 first-time, full-time black freshmen enrolled in Mississippi's public universities, representing 40.5 percent of all freshmen. In 1996, there were 756 fewer black freshmen, and their representation had declined to 38 percent.

In response to this development, the state heightened its efforts to publicize the remedial program and participation in the program has increased. According to recent press reports, however, freshman enrollment at the three HBCUs continues to decline. Total black freshman enrollment at Jackson State in 1997-98 was 755; at Alcorn State it was 512; and at Mississippi Valley it was 299. This decline has been partially offset by increasing numbers of black freshmen enrolling at traditionally white institutions, but it nevertheless continues to cast doubt on the overall access blacks will have to four-year universities in Mississippi.

Some of this concern was reflected in a June 1998 order of the district court, following a status conference on the *Fordice* case. The court noted that while the overall number of black students in the state's university system had increased by 7.3 percent since the new admissions standards went into effect, the number of black freshmen had declined. The court ordered the university system to monitor "the various elements that affect freshman enrollment and advise the court of its findings."[1]

First-Time, Full-Time Black Freshman Enrollment in Mississippi: 1995-1996

	1995	1996	Difference 1995 to 1996	Percent Change
Total	3,213	2,750	-463	-14
Percent	43	38	—	—
Alcorn State University	693	613	-80	-12
Delta State University	120	135	15	13
Jackson State University	1,091	834	-257	-24
Mississippi State University	319	265	-54	-17
Mississippi University for Women	65	58	-7	-11
Mississippi Valley State University	440	321	-119	-27
University of Mississippi	126	170	44	35
University of Southern Mississippi	359	354	-5	-1

Source: Mississippi Institutions of Higher Learning, Office of Planning and Budget

[1] *Clarion-Ledger*, June 7, 1998.

Ayers v. Fordice, No. 4:75 CV009-B-O, U.S. District Court for the Northern District of Mississippi, June 4, 1998.

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public higher education.

The court of appeals, however, did not affirm the district court's order in all respects. Indeed, in one of the most significant aspects of its decision, the Fifth Circuit reversed the district court's conclusion that Mississippi's use of ACT cutoff scores in allocating undergraduate scholarships was not a vestige of segregation. In making its determination, the appeals court relied heavily on the history of *de jure* segregation in Mississippi and particularly on the prior use of ACT cutoffs in Mississippi's admissions process. The court reasoned that the use of ACT cutoff scores in allocating scholarships was analogous to its use in Mississippi's long-standing admissions process because both policies significantly constrained black students' access to traditionally white institutions. Indeed, the court found that scholarships with ACT cutoff scores were disproportionately awarded to white students, despite the fact that the black applicants were more likely to need financial aid. Having concluded that the district court erred in not declaring the scholarship policies a vestige of *de jure* segregation, the appeals court remanded to the district court for a determination of whether a "practicable" remedy "consistent with educational soundness" could be implemented.

Many of the state officials who are committed to opportunity no longer have the unequivocal support of the federal judiciary.

In the course of its discussion of the scholarship issue, the Fifth Circuit also noted that Mississippi's TWIs "offer some scholarships specifically for black applicants." The court rejected the state's argument that the availability of such minority scholarships at TWIs "automatically neutralize[s] the ongoing discriminatory effects of other scholarship policies rooted in the prior racially dual system." In doing so, the court also apparently assumed that such racially targeted scholarships were an appropriate, although not necessarily sufficient, means of remedying past discrimination. The court did not even mention its own decision in *Hopwood*,[7] which drastically limits the use of such race-sensitive measures when they are not narrowly tailored to remedy past discrimination.

As *Redeeming the American Promise* noted, the 1995 remedial order in *Fordice* went beyond Mississippi's admissions and scholarship policies in attempting to promote desegregation. It required the enhancement of two HBCUs, Jackson State and Alcorn State, as well as a study of ways to desegregate both a third HBCU, Mississippi Valley State, and historically white Delta State. On appeal, the plaintiffs argued that the district court erred in not ordering specific educational enhancements at Mississippi Valley State and in only requiring two new programs at Alcorn State. With respect to the former, the court directed the district court "to clarify the status of the Board's [previous] proposal to merge Mississippi Valley State and Delta State." The court of appeals also concluded that if the district court confirms that the merger will no longer be pursued, the board should be ordered to study whether any new academic programs "may have a reasonable chance of success in desegregating Mississippi Valley State." The Fifth Circuit also required the board to study the feasibility of new academic and land-grant programs to desegregate Alcorn State. These developments are positive insofar as they encourage educational leaders to develop effective desegregation strategies through programmatic improvements rather than the closure of HBCUs.

Finally, the court of appeals affirmed the district court's holdings concerning land-grants, program duplication and university funding (with the exception of equipment funding). The court remanded the issue of equipment funding to the district court for a determination of the segregative effects of funding disparities and the implementation of an appropriate remedy, if necessary.

Plaintiffs appealed portions of the Fifth Circuit's decision dealing with admissions standards and funding for the state's

universities to the United States Supreme Court. In January 1998, the Court refused to hear the appeal.

Overall, the court of appeals decision leaves most of the important equal access issues in the hands of educators. It prods gently for further efforts in a few areas, without actually requiring any important specific desegregation measures. Indeed, on the most controversial issue of admissions standards, the Fifth Circuit accepted a remedy that without additional comprehensive efforts encompassing K-12 on the part of the state, may reduce black access to public universities. On the other hand, in addressing race-sensitive scholarships, the court implicitly recognized that such measures are appropriate when properly designed to remedy past segregation.

In May 1998, the district court held a status hearing on the implementation of *Fordice* remedies. The district court also recognized continuing questions about the soundness of the sudden introduction of Mississippi's new admission standards and the simultaneous abolition of year-round remedial programs. Plaintiffs have begun requests for discovery, and it is likely that *Fordice* litigation will continue for the foreseeable future.

This likelihood is made stronger by another part of the district court's order, which requires the Board to furnish to the plaintiffs copies of studies it conducted regarding new programs at Jackson State, the interrelationship between community college admission standards and university enrollments, and the use of facilities maintenance money at the various campuses.

In its order, the court also directed the Board to submit further information to the court and to the plaintiffs about "the issue of educational soundness of the use of ACT scores as a criterion" along with others in the awarding of scholarships at the system's eight universities. As we discussed above, the court of appeals had previously ruled that the use of ACT scores as the *sole criterion* in awarding scholarships was a vestige of segregation. The district court's order appears to at least open the question of whether, in Mississippi, *any* use of ACT scores in awarding scholarships is permissible.

The court further stated that it will not consider the merger of Mississippi Valley State and Delta State, since the Board no longer deemed such a merger practical. The court ordered the Board to conduct a study of programs that can be implemented at Mississippi Valley State that will attract other-race students. The study has previously been provided to the Board; in July the Board made the study available to the court and the public.

Alabama

In Alabama, the Eleventh Circuit's ruling in *Knight v. Alabama*, discussed in *Redeeming the American Promise*, remanded the case to the district court for it to apply the Supreme Court's 1992 ruling in *Fordice*. On remand, Judge Harold Murphy began his analysis by proffering helpful definitions of the terms "segregative effects," "practicability" and "educational soundness." The court determined that a policy has "segregative effects" if it continues "to foster segregation or influences student enrollment decisions by substantially restricting, in a discriminatory manner, a person's choice of which institution to enter." An "educationally sound" policy must, among other things, "further typical state higher education goals regarding college participation rates and access to opportunity" as well as "aid in the creation of stronger institutions and a stronger state system of higher education." In evaluating "practicability," the court must evaluate "not only the costs and benefits of a remedial policy, but also the risks and returns involved." The court then proceeded to apply these definitions and the ruling in *Fordice* in evaluating mission assignments, land-grant funding and the curricula at TWIs.

First, although the district court recognized the continuing "segregative effects of Alabama's limited mission assignments," it did not order many of the remedies proposed by the plaintiffs because it deemed them "educationally unsound" or "impracti-

cable." For example, the district court declined to order several programs transferred from TWIs to HBCUs because the court deemed these programs important to the mission of the TWIs and because it found that their transfer would not have any significant desegregative effects. The district court, however, did call for increased funding and additional programs for HBCUs. Specifically, the court ordered the state to pay a minimum of $100 million over the next 15 years to improve academic programs offered at HBCUs. It also ordered the expenditure of monies on some race-based scholarships in order to attract more white students to HBCUs.

Second, the district court found continuing "segregative effects" in the land-grant funding policy and held that the "most educationally sound, practicable" remedy would be a single land-grant extension system, unified at all levels. The court rejected, as "educationally unsound" and "impracticable," a system devoted to enhancing one institution at the expense of others because the land-grant funding policy was designed to serve the entire state. (See the discussion in Appendix A.)

Finally, the district court also rejected the plaintiffs' argument that the level of black history and culture taught in the general curricula of TWIs constituted a vestige of *de jure* segregation. The court found that the plaintiffs could not point to any specific policy – only general societal factors – that were responsible for the lack of black studies programs at TWIs. The court relied heavily on the fact that official *de jure* segregation ended six years prior to the development of a black studies program in any Alabama institution. The court also concluded that there were no continuing "segregative effects" because there was no evidence that the presence or absence of black studies courses in the TWIs affected student choices on which institutions to attend.

Four months after the district court rendered its decision, Alabama appealed. In explaining this action, the governor expressed the view that "the ruling flies in the face of getting the best value in higher education... Our schools are open to everyone. That was not the case decades ago, but now it is. The ruling is at odds with the priority of having better schools. It is out of sync with reality and the quality of education, and there is simply no reason to pay millions of dollars over the next decade." State representative John Knight, a named plaintiff in the case, criticized the state's appeal: "It's symbolic of Alabama's continued resistance to racial equality and to the promise of doing what's right when it comes to all the citizens of this state. This governor is beginning to write another era in Alabama's history of racial discontent." The appeal has not yet been decided by the Eleventh Circuit.

New plaintiffs have since brought a separate civil rights action challenging a portion of Judge Murphy's 1995 *Knight* ruling requiring Alabama to disperse $1 million annually for the next 10 years to two HBCUs to be used for race-sensitive scholarships designed to attract non-black students. A recent black graduate, Jesse Tompkins, had applied for one of the race-based scholarships but was informed that the funds were allocated for use by white students. Tompkins alleged "state-supported discrimination" because black students had to meet stringent merit-based requirements to receive aid while white students simply had to be admitted. The state's lawyers requested dismissal or transfer of the new case. Whether Judge Murphy hears these claims as a part of the *Knight* litigation or they are prosecuted in a separate action, the resolution of these issues in Alabama will have important implications in sorting out the tensions between the Supreme Court's decision in *Fordice* and the Fifth Circuit's ruling in *Hopwood v. Texas* that are discussed below.

Related Developments

In 1996, the Fifth Circuit struck down the University of Texas School of Law's (UTL) race-conscious student admissions process, which was designed to diversify and desegregate its student body. While the Fifth Circuit governs only Texas, Louisiana and Mississippi (and for reasons discussed below, *Hopwood* has had limited immediate significance in both Louisiana and Mississippi), the larger debate it has kindled will have important long-term ramifications.

Two aspects of the court's ruling in particular could have dramatic implications if adopted by the Supreme Court or by other circuit courts. First, two judges of the three-judge panel in *Hopwood* rejected the widely accepted interpretation of the Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*, which held that promoting student diversity is a compelling governmental interest that can justify the consideration of race in the student admissions process.[1] In addition, all three judges of the court rejected the way UTL used race in the admissions context as a voluntary remedy for past discrimination.

Together, these rulings drastically limit Texas' ability to use race as a factor in its efforts to ensure equal access to higher education. They likely would have the same adverse effect if extended to other jurisdictions. Moreover, cases already have been filed in other states seeking to extend these principles. Educators will need to make a concerted effort to prevent the extension of these principles or face the potential elimination of some of the most effective voluntary efforts at promoting desegregation in higher education, including race-targeted scholarships and race-sensitive admissions policies, among others.

Educators will need to make a concerted effort to prevent the extension of *Hopwood*... they must be prepared to demonstrate why racially and ethnically diverse campuses are necessary to fulfill their missions.

Hopwood v. Texas

At the heart of the Fifth Circuit's decision is its rejection of diversity as a compelling interest justifying race-conscious admissions practices. In an opinion by Judge Smith, two of the judges on the three-judge panel held that the district court's reliance on Justice Powell's opinion in *Bakke* was misplaced because it did not really represent the view of a Supreme Court majority at the time and because the Court's affirmative action decisions since 1978 have indicated a contrary position. Therefore, Judge Smith concluded, Justice Powell's "lone" opinion endorsing diversity as a compelling interest for race-conscious admissions procedures is not binding. Based on his view of recent affirmative action decisions arising in contexts other than higher education, Judge Smith concluded that "classification of persons on the basis of race for the purposes of diversity frustrates, rather than facilitates, the goals of equal protection" and is unconstitutional.

The third panel member, Judge Weiner, agreed that UTL's admissions process was unconstitutional but rejected his colleagues' decision to declare unconstitutional any consideration of race or ethnicity for the purpose of achieving a diverse student body. He identified three reasons. First, if *Bakke* is to be "declared dead," the Supreme Court should do so. Second, Justice O'Connor in an earlier case indicated that *Bakke* was not dead. Finally, Judge Weiner concluded that the issue could easily be avoided, and principles of judicial restraint require that it be avoided: the court did not have to decide the "thornier" issue of compelling interest.

Despite *Hopwood's* direct contradiction of the prevailing interpretation of the Supreme Court's decision in *Bakke*, the high court declined to review the decision. Two justices of the Court joined in a one-paragraph opinion stating that the petition in *Hopwood* did not present a live dispute because UTL had already abandoned the challenged admissions policy. Although the Court's unwillingness to hear the appeal left the Fifth Circuit's decision intact, many advocates of race-sensitive

Texas Post-*Hopwood*: Losing Ground

One assessment of the impact of the Fifth Circuit's 1996 decision in *Hopwood v. the University of Texas School of Law* is to consider freshman enrollment by race at the University of Texas at Austin (UT-Austin), the state's flagship institution. From fall 1988 through fall 1996, black students made up between 4 and 5.6 percent of all first-time freshmen. In fall 1997, the first year in which *Hopwood* banned race as a consideration in admissions and financial aid policies, blacks made up just 2.7 percent of first-time freshmen.

This decline in the representation of blacks at UT-Austin is not limited to first-time freshmen; the representation of blacks throughout the student body has also started to slide. Among undergraduate transfer students, the representation of blacks (which has never been high) fell from 2.3 percent in 1996 to 1.4 percent in 1997, a ten-year low. Furthermore, blacks comprised just 2.4 percent of new graduate students. Since 1992 they had made up at least 3.3 percent of the annual cohort of entering graduate students. Finally, the representation of blacks among new law students plummeted between fall 1996 and fall 1997 from 5.6 percent to just 0.9 percent.

Given these developments, the overall representation of blacks at Texas' flagship institution declined in fall 1997. While blacks have consistently been underrepresented at UT-Austin, as they are at most flagship institutions, by 1995 and 1996 they comprised 4 percent of all students there. In fall 1997, that figure dropped to 3.5 percent, and there were fewer black students on campus than there had been in any of the previous nine years.

Responding to this decline, the Texas state legislature, after considerable debate, developed new admissions policies for the university system aimed at promoting diversity without relying on race-specific measures. Under the new policies, every college and university must admit applicants in the top ten percent of their high school class. Institutions also have the option of admitting students in the top 25 percent. Supporters of the policies believed that they will help achieve diversity in higher education because most Texas school districts remain segregated. The new policies also allow universities to consider other factors when making admission decisions, including, among others: socioeconomic condition, standardized test scores, home region, extracurricular activities, and status as first in family to attend college.

These policies, however, have not yet had the hoped-for effect. According to recent press reports, Asian Americans appear to have made the greatest gains in admissions under the "10 percent" law. Sixteen percent more Asian American students in the top 10 percent have been offered admission for fall 1998 over those admitted in 1996 – the year before the *Hopwood* decision was implemented. Seven percent more white students and seven percent more Hispanic students, another group to struggle under *Hopwood*, have been admitted as well.[1]

Black students have fared nowhere near as well. By the end of May 1998, 320 blacks had been admitted to the freshman class of UT-Austin for the coming fall, 40 fewer than had been admitted in 1997 despite a 3.4 percent increase in the number of black students applying.[2] There are, however, glimmers of hope in this bad news. While fewer blacks have been admitted for fall 1998 thus far, more of them – 174 – have informed the university that they will enroll than the number – 163 – which actually enrolled the previous year. This should lead to a slight increase in the representation of blacks among freshmen, from 2.5 percent in fall 1997 to 2.9 percent in fall 1998.

The 10 percent law has not, however, stemmed the decline of blacks entering Texas A&M University, another selective public university in the state. Texas A&M saw not only the number of black students admitted decline between 1997 and 1998 from 379 to 369, but it saw the number of black students applying fall 21 percent, from 629 to 498, during that period.[3]

While expressing concern, officials have hesitated to judge the 10 percent law because it is so new and because it apparently is still not well known among students, their families and school counselors.

Thus far only Texas has been directly affected by *Hopwood*. As we discuss elsewhere, *Hopwood*'s impact on educational policies in other states in the region has, to date, been limited. Yet Texas' restricted ability to address the needs of

minority students may resonate throughout the region. For example, in 1995, 733 blacks earned law degrees from public institutions in the 19 states. With almost 20 percent of these law graduates, Texas was the largest producer of new black attorneys among these states. The University of Texas at Austin alone produced more black law graduates than 10 of these states, including Alabama, Georgia and Mississippi, where blacks make up much larger percentages of the population than in Texas. *Hopwood* has had a devastating impact at the University of Texas School of Law. Unless other institutions in the region compensate for this development, the representation of black law students in the region is almost certain to fall.

[1] *Austin American-Statesman*, April 8, 1998

[2] University of Texas

[3] *Austin American-Statesman*, April 3, 1998

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policies were relieved that the Court did not use *Hopwood* to rule out universities' consideration of diversity in making admissions and financial aid decisions.

All three Fifth Circuit judges in *Hopwood* also agreed that UTL had not established that its program was designed to remedy the present effects of past discrimination. In particular, the court rejected the proposition that the law school could implement an affirmative action program to remedy system-wide "segregative effects" in the Texas university system. The court also rejected the district court's consideration of past discrimination by the Texas education system as a whole or in the university system as a whole, and held that only the law school's own past discriminatory acts are relevant.

This analysis seems to conflict with the rationale in the Supreme Court's *Fordice* decision, which suggests that states may need to take "system-wide" steps to desegregate their higher education systems. The lower court decisions in *Knight* and *Fordice*, discussed above, also evaluated the need for system-wide remedies for segregation. For instance, in the Fifth Circuit's own 1997 *Fordice* opinion, the court affirmed the adoption of a uniform admissions standard for all Mississippi universities to eradicate the segregation caused by the differential admissions requirements at HBCUs and TWIs. The court did not examine each university's admissions policies to determine whether continuing "segregative effects" were traceable to that university's discriminatory policies. The *Fordice* court even adopted remedial measures at the pre-collegiate level – in the form of spring screening and summer remedial programs – to address system-wide segregation in higher education. There is thus clearly a tension between the Supreme Court and the Fifth Circuit in *Fordice* on one hand and that same court of appeals in *Hopwood* on the other.

Indeed, the Fifth Circuit's decisions read together suggest that a system-wide remedy necessary to end segregation may be *ordered by a court* but *only adopted voluntarily* under narrowly

defined circumstances. This would place states like Texas, without active desegregation cases, in the unenviable position of having to prove their own liability before undertaking necessary remedies. Widespread application of *Hopwood* would substantially restrict the steps states can take in desegregating their higher education systems. As some of the formerly segregated states are learning in their varied efforts to meet the *Fordice* standard, it is difficult to craft meaningful remedies that do not take race into consideration.

Other States and Other Cases

In light of the widespread reliance by higher education institutions on *Bakke*, the Fifth Circuit's decision in *Hopwood* plainly constitutes a setback for efforts to promote diversity in higher education. Although the decision binds only Texas, Louisiana and Mississippi and not the other 47 states, it is the only federal appellate analysis of the issue in the 18 years since *Bakke*, and as a result has received extensive attention and fostered other lawsuits throughout the nation.

Hopwood itself may only apply to Texas since the other states in the Fifth Circuit have active desegregation litigation, and there is no specific language in the *Hopwood* opinion to suggest that the decision applies to those states where desegregation orders are already in place. Indeed, in Louisiana and Mississippi federal courts have already ordered implementation of various desegregation remedies, including some race-sensitive measures. Following the *Hopwood* decision, the then-chancellor at Louisiana State University indicated that the use of race-sensitive scholarships would continue: "We are going to continue to award minority fellowships for postdoctoral students, as we are required to do by a federal court order, until they tell us to stop." As noted, the Fifth Circuit itself also has tacitly suggested that *Hopwood* does not apply to Mississippi because it did not even discuss the *Hopwood* decision in its 1997 *Fordice* opinion, a decision which implicitly approves of race-sensitive remedies.

The most significant impact of *Hopwood*, therefore, may actually be outside of the three states of the Fifth Circuit. Most of the 19 formerly *de jure* segregated states do not have active desegregation cases like Mississippi and Alabama or court-approved consent decrees like Louisiana. Instead, most, like Texas, engage more or less voluntarily in a variety of efforts aimed at furthering desegregation. Many of these efforts take race into account. It is in these states where tensions between *Hopwood* and *Fordice* must be resolved.

Georgia, for example, has made significant voluntary efforts to improve access to public higher education for all students regardless of race. Now, however, Georgia is faced with a *Hopwood* spin-off suit. The plaintiffs in *Wooden v. Board of Regents of the University System of Georgia* allege that Georgia's race-sensitive inclusionary efforts are unconstitutional. Georgia may attempt to defend these efforts as narrowly tailored measures to promote diversity, to remedy past discrimination, or both. To do so successfully, however, it must be prepared to present a stronger case than UTL did in *Hopwood*.

There are two principal ways to do this, and they apply not only to Georgia, which has already been sued, but also to all of the states with formerly *de jure* segregated systems of higher education. First, to defend policies as narrowly tailored to promote diversity, states should be prepared to argue against the Fifth Circuit's position in *Hopwood* – that racial and ethnic diversity is no more important to higher education than blood type. They should be prepared to explain and to demonstrate why racially and ethnically diverse campuses are necessary to fulfill their missions. Moreover, they should make sure that their policies and programs are up-to-date and carefully crafted to promote diversity.

Second, states genuinely committed to ensuring equal access regardless of race may want to marshal evidence of their

own historical failure to treat minority students fairly. Painful and unpopular as this may be, *Hopwood* makes clear that marshaling such evidence may eventually be the only way to defend race-sensitive policies.

Hopwood-type cases are not limited to the 19 states that previously operated legally mandated dual systems of higher education. Suits have been filed against the University of Washington Law School for its race-sensitive admissions policies, the University of Michigan for using race as a factor in its undergraduate and law school admissions policies, and Texas A&M for operating a summer science program (funded by the National Institutes for Health, the United States Department of Agriculture and the Howard Hughes Medical Institute) limited to minority high school students.

The Fifth Circuit in *Hopwood* rejected the long-standing interpretation of the Supreme Court's 1978 decision in *Bakke* – that diversity in higher education is a compelling state interest. As noted, the Supreme Court has not addressed this issue since 1978. In 1997, however, the Court agreed to review the Third Circuit case of *Taxman v. Board of Education of Piscataway Township* which raised the related question of whether racial diversity is a sufficiently compelling reason under Title VII to justify a race-sensitive layoff of a high school teacher. The court of appeals ruled that it was not and specifically found that *Bakke* was not controlling. Proponents of race-sensitive remedies feared that a broad ruling by the Supreme Court in *Piscataway*, made in the context of layoff decisions affecting the settled expectations of secondary school employees, could have far-reaching impacts in other areas, prominent among them minority student admissions to higher education. A coalition of national civil rights organizations negotiated a settlement that obviated Supreme Court consideration of *Piscataway*.

In March 1998, the Supreme Court refused to hear an appeal in *Farmer v. Nevada*. In 1991, the University of Nevada at Reno admittedly took race into account when it hired an Ugandan black rather than the petitioner to fill a vacancy in its sociology department. The Nevada Supreme Court had ruled in the university's favor, finding that the Civil Rights Act of 1964 allowed it to consider race in hiring decisions to attract a "culturally and ethnically diverse faculty."

Despite *Hopwood*'s relatively limited impact so far in the 19 states under consideration here, the ruling greatly concerns those with a stake in promoting minority opportunity in higher education. Educators in some states, fearing new lawsuits, have restricted or eliminated race-sensitive admissions policies. In other states, new policies to promote access and success among black students are simply not considered. Furthermore, if *Bakke* fails and is replaced by a *Hopwood* standard, only those states or institutions willing to admit or demonstrate their own culpability will be free to use race-sensitive means to promote inclusive systems of public higher education. Such restrictions on the ability of higher education officials to promote equal access regardless of race would plainly violate the spirit, if not the letter, of the Court's landmark *Fordice* decision.

The tensions between *Fordice* and *Hopwood* pose a dilemma for the states. Despite the fact that *Fordice* is the law and *Hopwood* has limited applicability, states have reacted, as shown in the state summaries in Appendix A, by narrowing the scope of programs directly targeted to black students. Efforts to promote opportunity are instead embedded in more general reforms that may not respond sufficiently to the needs of black students.

Endnotes: Chapter 3

[1] 505 U.S. 717 (1992)

[2] 111 F.3d 1183 (5th Cir. 1997)

[3] Southern Education Foundation, *RTAP*, 16-17

[4] 78 F. 3d 932, *cert. denied*, 116 S.Ct. 2581 (1996)

[5] With the exception of the new study ordered for Alcorn State, the investigations of historically black institutions have already been completed and the IHL board has now released its recommendations, based in large part on these studies, for submission to the district court. The recommendations are discussed in Appendix A. For a more detailed treatment of events in Mississippi through mid-1997, see R. Kronley and C. Handley, "Notes from the Field: Higher Education Desegregation in Mississippi" in *Chilling Admissions: The Affirmative Action Crisis and the Search for Alternatives*, ed. Gary Orfield and Edward Miller (Cambridge, MA, Harvard Education Publishing Group, 1998).

[6] *Knight v. Alabama*, 900 F.Supp. 272, 282-86 (N.D. Ala. 1995)

[7] 78 F.3d 932, 951 *cert. denied*, 116 S. Ct. 2581 (1996)

[8] 438 U.S. 265

[9] In May 1998, the Regents of the University of Texas system voted unanimously to pursue an appeal of *Hopwood*. The Regents acted on the theory that unless they challenge the *Hopwood* ruling, minority students will pursue higher education outside the state. The state will consequently be at a competitive disadvantage in recruiting and graduating minority students. The attorney general subsequently approved the system's request to appeal and to utilize a private lawyer to conduct the appeal (*The Austin American - Statesman*, May 14, 1998).

Subsequently, in June, the NAACP Legal Defense and Educational Fund and the Mexican American Legal Defense Fund filed a brief seeking to intervene in the *Hopwood* appeal (*Chronicle of Higher Education*, June 26, 1998).

[10] 91 F.3d 1547 (3d. Cir. 1996), *cert. granted* 117 S.Ct., 763 (1997)

[11] No. 97-1104, *cert. denied*, March 9, 1998

Conclusion: Staying the Course

These states have only just embarked upon the road to opportunity. They are nowhere close to completing the journey.

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Substantial remnants of segregation continue to burden each of the 19 states that at one time operated two systems of colleges and universities, hobbling the participation of black students in postsecondary education. In almost two decades, the proportion of black freshmen entering four-year colleges in these states has improved only slightly, and the increase in the proportion of those ultimately graduating is barely perceptible. Most black students are still in historically black colleges and universities or two-year institutions, and are significantly underrepresented in traditionally white institutions. In many respects, then, these states have only just embarked upon the road to opportunity. They are nowhere close to completing the journey.

Despite the disappointing results of the last three years, we believe that most, if not all, of these states are eager to put the past behind them and create systems of higher education that are renowned for their dedication to opportunity for all students. In order to do so, many of the states that at one time responded to demands for equality with a defiant "*never!*" are now asking "*how?*"

In 1995, we provided a series of recommendations that, if followed, would enable the states to keep the promise of equality of opportunity in higher education. Given the halting progress states have made, these recommendations are at least as relevant today as they were three years ago. They are a starting point for the development of higher education systems where access to college and success in it are not constrained by race.

The last three years have validated our observation in *Redeeming the American Promise* that our recommendations will not be easy to implement. In watching and working with states, we have learned that effective efforts to make these recommendations real require three commitments.

The first of these is fidelity to law. *United States v. Fordice*, which requires states to take positive steps to rid themselves of the vestiges of segregation, is the law of the land. In dismantling dual systems of higher education, states must be guided by the *Fordice* mandate, and not be distracted by, nor hide behind, lower court decisions that do not apply to them.

Second, states must embrace a comprehensive approach to improving their postsecondary systems. It is all too clear that the programmatic innovations utilized by the great majority of these states will not be enough to engender real reform. As this report emphasizes, what happens at one level of education affects and is affected by what happens at each of the others. Promoting opportunity in postsecondary education requires the participation of elementary and secondary schools. It demands that state policy consider all educational institutions – two-year institutions, historically black colleges and universities as well as traditionally white institutions – as part of the same system. Furthermore, it requires the involvement of other sectors: federal and state government, business, nonprofit organizations, and citizen groups. Each has a different role to play, but all are essential if we are going to build systems of higher education that are not characterized by racial distinctions.

Finally, obeying the law and understanding the importance of a comprehensive approach will, without visionary and effective leadership, make nothing happen. The realization of equity in higher education requires leaders with the capacity to see beyond the stifling ambivalence about race, to focus on the importance of opportunity for all citizens and for the common good, and to take measured risks to create transformed, robust systems of higher education.

We have miles to go before we reach our goal of equity in higher education. The road ahead will without doubt continue to be difficult. Navigating it successfully will require both a heightened sense of urgency about the importance of our pursuit and an abiding patience to persist in it. For the South – and for the nation – there can be no turning back.

Appendices

A. Changing States: Significant Developments Affecting Black Students

B. Summary of Recommendations From *Redeeming the American Promise*

C. State Income Data

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Appendix A

Changing States: Significant Developments Affecting Black Students

We summarize, for each of the states, developments over the last three years – budgetary, legal and policy – that affect the status of blacks in public higher education. In addition, we provide certain demographic and income data, breakdowns on where blacks and whites go to college, information on black access to college and trend data on full-time undergraduate enrollment. We also provide undergraduate, graduate and professional degrees earned by blacks and whites, and the numbers of full-time black faculty. The narrative about each state concludes by identifying promising practices which, if brought to scale, have real potential to improve black students' access to and success in higher education.

While each of the states treated in this report has developed new policies and implemented new practices that will affect opportunity in postsecondary education, none has yet used the 1992 Supreme Court decision in *United States v. Fordice* to develop a comprehensive plan to promote increased black student access to and success in its higher education system. As we discussed in Chapter 2, states are exploring and have embraced new approaches to accountability, success and access. What is often missing from these efforts, however, are initiatives that are directly targeted to meeting the unique challenges that a history of discrimination has imposed on black students. In other instances, where programs geared to removing the vestiges of segregation exist, they are treated as stand-alone efforts and often implemented in isolation from other reforms.

This situation poses a clear challenge to the states. They must build on the promising practices they are developing while they act on the realization that programs, by themselves, will not result in transformed systems of higher education. Real change must be connected to a comprehensive opportunity-driven plan that reflects a powerful commitment to equality.

Alabama

Budget

For three years, state funding for higher education remained stagnant. Following a special legislative session, higher education received a 1.1 percent increase for 1997-98.

Pressure to increase K-12 spending intensified after a state judge ruled that Alabama must spend more on low-income districts to overcome unequal school financing. K-12 and higher education receive state funding in the same budget category, with colleges and universities traditionally receiving about one-third of total funding. By 1996, due to increased K-12 funding, that rate had fallen to 26 percent.

Legal Developments

Alabama's higher education desegregation plan was never accepted by OCR. The case was referred to the United States Department of Justice in 1982.

In 1994, in *Knight v. Alabama*, a lawsuit resulting from Justice Department oversight, the Eleventh Circuit Court of Appeals ordered the district court to make determinations about land-grant funding, mission assignments and curricula at HBCUs. Land-grant funding raised many issues regarding the allocation of state resources between TWIs and HBCUs. During 1993-94, for example, Auburn University received $39.4 million in land-grant funds, compared to $405,000 for historically black Alabama A&M University.

In August 1995 the court in *Knight* issued new orders calling for a merger of land-grant operations at Auburn and Alabama A&M. The ruling also called for two new advanced degree programs at historically black Alabama State University and set aside $1 million a year for other-race scholarships at the state's two HBCUs to promote desegregation. Another provision of the ruling requires the state to match up to $1 million a year in funds raised by the two HBCUs for endowments. (For further discussion of *Knight*, see pages 47-48.)

New Policies

The district court in *Knight* ordered a single statewide Cooperative Extension System that unifies the efforts of Auburn and Alabama A&M into one organization to be known as the Alabama Cooperative Extension System (ACES) to operate as the outreach organization for the land-grant function of these universities. Auburn will serve rural areas and Alabama A&M will focus on urban and non-traditional programs such as economic development in low-income communities. Alabama A&M will continue to receive line item, land-grant funding from the state. Such funds, however, will be dedicated to support the 1995 remedial decree. Salaries for Alabama A&M extension employees also will increase to match those of their Auburn counterparts.

Following the 1995 ruling, both HBCUs launched other-race scholarship programs to recruit white students to their campuses. Under the program, white students can qualify for Diversity Scholarships with a 2.0 grade point average and a high school diploma or its equivalent. The policy, however, has stirred some opposition from critics who note that whites can earn scholarships with lower grade point averages and test scores than black students. In spring 1997, a black student filed suit against these scholarships for white students attending Alabama State, alleging discrimination. The student filed suit in U.S. District Court in Montgomery but the suit was referred to the district court in Birmingham handling *Knight*.

The state is beginning to match dollars from fundraising activities at Alabama State and Alabama A&M, in accordance with *Knight*. While the state will match up to $1 million annually, one year after the decision, the universities had raised only about $300,000 each. Both schools will also get new funding for capital improvements under a 1995 state bond issue; each will receive $5 million from the $23 million issuance.

Pursuant to the ruling in *Knight*, colleges and universities increased efforts to recruit faculty. Troy State University has pledged to hire a coordinator for minority recruitment, while Auburn wants all black graduate students to serve as instructors in hopes of creating a pipeline for future faculty. Despite these efforts, the representation of blacks among full-time faculty at TWIs was 3.9 percent in 1995-96.

State education leaders are seeking ways to build cooperation among K-12 schools, community colleges and baccalaureate institutions. The Alabama Commission on Higher Education plans to develop a database to report back to high schools about their graduates' progress in college. The report likely will focus on student grades and the proportion of students in remedial education.

Another long-term goal for the commission is a detailed review of academic programs at state public colleges, including two-year institutions. Part of this effort is to bring about greater cooperation in the implementation of a statewide general studies curriculum for freshmen and sophomores. Sponsors believe this policy will better support articulation and ease the transfer process for students moving from two- to four-year institutions.

Performance-based budgeting is on the horizon to promote accountability. The Commission on Higher Education is studying the development of a performance-based system, and officials say they will examine the need for some type of incentive to increase the number of minority graduates. Officials expect to release the study in October 1998.

One far-reaching change is a new process to weed out unproductive academic programs. Plans call for community colleges to drop programs that average less than 7.5 graduates a year during the past three years. Bachelor's degree programs must average 7.5 graduates annually for the past five years to remain viable. The state plans to identify non-viable programs in 1998, after which colleges and universities would get three years to meet the standards.

The plan will not adversely affect black colleges, nor is it tied to the state's desegregation effort, said the state's top higher education official. "It will not interfere with Alabama A&M and Alabama State. It will encourage them to jettison programs with no graduates," the official said.

Reaching out to lower grades, Alabama colleges plan to increase early intervention services through a new partnership with the American College Testing Service. The program will provide 7th and 8th graders with information about college, including financial aid options. Though still in the planning stages, this effort will include mailings to students and visits to schools. Once implemented, the program will support another aspect of the *Knight* decision in providing early information about college to students in 7th through 12th grades.

Promising Practices

Every higher education institution in Alabama has a plan to increase minority access. Eleven institutions, including seven HBCUs (five of which are private), participate in the Alabama Alliance for Minority Participation, which seeks to increase enrollments in science, engineering and math programs. The University of Alabama at Birmingham serves as the lead institution. Staff recruit promising high school students and use various strategies such as scholarships, internships, mentoring and drop-in assistance centers for youth to support them. From a modest beginning, the program has helped graduate nearly 500 black and Hispanic students.

The University of Alabama at Birmingham also supports an ambitious pipeline program that targets minority students and encourages them to pursue graduate study in hopes of hiring them as faculty members. This $1 million minority faculty and student development program includes scholarships and other support services.

Hiring minority faculty is the chief aim of the University of Alabama's Beating the Odds program, which hopes to double the number of black faculty by the year 2000. Part of a regional workforce development initiative, the program allocates $270,000 into a revolving fund to recruit and retain minority faculty and administrators. University departments receive $70,000 to pursue their own hiring and retention efforts and will continue to receive that amount in future years. The remaining $200,000 goes to the university provost's office to improve black recruitment and retention.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,100,073	25.7	137,594	31.6
White	3,095,525	72.4	288,941	66.3

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	1,526	12.2
White	10,383	83.1

Other TWIs

	Number	Percent
Black	8,190	14.3
White	45,889	80.4

HBCUs

	Number	Percent
Black	7,252	93.7
White	265	3.4

Average Family Income, 1995

Black	$19,786
White	$37,040

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Alabama	26.1
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	10,637	29.3	3,419	25.1
White	24,816	68.4	9,632	70.6

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	10,536	17.2	12,588	18.5	14,530	18.4	16,968	21.9
White	49,834	81.1	53,647	78.7	61,852	78.1	56,537	73.1

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,458	11.1	1,860	13.0	1,582	10.7	2,370	14.1
White	11,545	88.1	11,847	83.1	12,699	86.1	13,692	81.4

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	15	5.8	15	5.9	3	0.8	18	4.1
White	223	86.8	212	83.5	255	72.0	280	64.4

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	19	3.9	18	2.9	16	2.9	25	4.2
White	470	95.3	598	96.1	516	94.5	526	89.0

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	32	3.6	198	3.9	291	53.8
White	808	91.3	4,445	88.4	145	26.8

Arkansas

Budget

State funding for higher education increased 7.7 percent for the 1997-98 academic year.

Legal Developments

In 1988, OCR found the state in compliance with Title VI. A state law requires institutions to file annual reports on efforts to promote diversity.

New Policies

Since 1995, Arkansas has established three new scholarship programs aimed at improving the diversity of the teaching force in K-12 and higher education. The state expends more than $800,000 each year on these programs, which include:

- Scholarships for minority college freshmen and sophomores who intend to become K-12 teachers. Students receive $1,000 stipends in exchange for participating in a mentored work-study program in the public schools.
- Scholarships for minority college juniors and seniors majoring in education. Students receive $5,000 stipends each year, which become forgivable loans if the student serves in the state as a teacher.
- Scholarships for master's degrees in underrepresented fields. The state awards one-year stipends of $7,500 to minority students enrolled in fields of study where minority students are underrepresented.

The state also encourages K-12/higher education cooperation through a new program, the Educational Planning and Assessment System (EPAS), which examines the academic and study skills of students in 8th and 10th grades. With the state Department of Education and the American College Testing Service (ACT), the Department of Higher Education offers the test on a voluntary basis statewide. To participate, school districts must agree to test every student, "not just those who 'seem to be' college material," one state administrator said.

More than 70 percent of school districts participated in both tests in the 1995-96 year, while 89 percent offered at least the 8th or 10th grade test. The state and school districts share the cost of the program, while ACT offers support services, data analysis for school districts, and training sessions for teachers and counselors.

Officials claim the program has dramatically increased interest in college among minority students. In 1994, when students could take a similar assessment on their own without state encouragement or funding, minorities represented only 10 percent of test takers. During the 1995-96 year, minorities accounted for 23.4 percent of those taking the test. The state believes the assessment also encourages more students to take core courses needed for college. The percentage of blacks taking those core courses has increased from less than 50 percent before the start of EPAS to more than 70 percent currently.

Despite being recognized as a model for other states, Arkansas' legislature abolished its performance-based funding program last year. In 1995 and 1996, Arkansas distributed $8.2 million, with institutions receiving funds under several criteria, including minority retention and graduation. The program enjoyed little support among elected officials and was eliminated by the 1997 General Assembly.

To promote access, the state since 1991 has operated a program often viewed as a model for state scholarship programs. The Academic Challenge program provides a base award of $1,500 a year; student eligibility is based on family income and performance on a sliding scale that includes test scores and grades.

Students qualify for a grant with a 2.5 high school GPA in core courses and an ACT score of at least 19. Students with an ACT score as low as 15 can qualify with a GPA of 3.25, while those with a 2.0 GPA can qualify with an ACT score above 25. The state designed this flexible system to offer access to minority students who may not perform well on standardized tests as well as students in small, remote school districts for whom the GPA may not be a sound indicator of skills.

The program serves families with one child which earn up to $35,000 a year, with an extra $5,000 in income for each additional child and an extra $10,000 in family income for an additional child enrolled in college. These income guidelines bring the program within reach of low- and middle-income families, state officials said. Students are eligible for aid all four years of college and can receive an extra $500 for each year they maintain a cumulative B average.

Promising Practices

Among individual campuses, the University of Arkansas-Fayetteville operates a peer-counseling program for incoming black and Hispanic students. The Students Making It Lighter Everyday (SMILE) program assigns incoming freshmen seeking support to an upper-class peer counselor who is either a work/study student or a program volunteer. Counselors and students must talk at least twice a month, although many are in contact several times a week.

The state Department of Higher Education also works with the K-12 system and the National Science Foundation to promote professional development among teachers. The K-4 Crusade is a two-semester graduate education program in math, reading and science for teachers in kindergarten through 4th grade. Similar programs exist for math and science teachers from 5th grade through postsecondary education to help them update skills. The K-12 and higher education systems jointly spend $8 million on this initiative, with teachers paying only $100 in tuition. The program also includes about $3,000 in new materials and equipment for every teacher's classroom so instructors can put new ideas into use.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	400,675	16.0	51,391	20.7
White	2,040,054	81.3	188,212	75.6

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	661	6.5
White	8,646	85.2

Other TWIs

	Number	Percent
Black	4,042	13.7
White	23,944	81.0

HBCUs

	Number	Percent
Black	2,430	94.4
White	125	4.9

Average Family Income, 1995

Black	$16,633
White	$31,571

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Arkansas	91.8
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

	High School Graduates 1994/95		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	5,279	21.4	1,765	19.9
White	18,883	76.6	6,693	75.3

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	6,164	17.6	3,769	11.3	6,645	15.4	7,133	16.9
White	28,289	80.8	28,852	86.3	35,111	81.5	32,715	77.3

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	605	11.7	710	12.8	588	9.8	757	10.6
White	4,513	87.5	4,742	85.5	5,087	84.7	5,938	83.2

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	3	2.8	3	2.9	2	1.5	3	1.9
White	94	88.7	86	81.9	108	80.0	107	69.0

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	12	3.7	8	2.0	14	4.3	34	7.1
White	313	95.7	380	97.2	299	92.3	432	89.6

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	21	2.4	90	3.4	127	67.6
White	778	89.8	2,399	91.5	39	20.7

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Delaware

Budget

Higher education received a funding increase of about 3 percent for the 1997-98 academic year. Lawmakers did not approve an increase in funding for student financial aid.

Legal Developments

Delaware came under OCR oversight for noncompliance with Title VI in 1978. OCR found the state in compliance in the early 1980s. Given the state's release from OCR oversight and its small minority population, state officials note that desegregation and minority access issues have not been stressed in recent years.

New Policies

The state recently made education a department-level agency with a cabinet secretary; some officials believe the state will pursue more formal links between K-12 and higher education as a result of this change. The state's Higher Education Commission currently administers financial aid and collects data.

Now in its third year, Delaware operates the Scholarship Incentive Program, a scholarship program that combines both need and merit. Financially needy students who graduate from high school with a 2.5 grade point average or better can earn scholarships of $700 to $2,200. Students need to maintain at least a 2.5 GPA in college to retain their scholarships. The program serves approximately 1,000 students annually.

Promising Practices

In 1992, the state initiated New Directions for Education, a five-year plan to develop and implement content standards and related assessments. The plan included a commitment to prepare students better for higher education or employment. Higher education representatives participated in the curriculum framework commissions that wrote standards in math, science, English, social studies, visual and performing arts, foreign languages, business/marketing and agriculture.

The state recently built a new reform plan onto that framework which requires students to attain levels of proficiency to earn a high school diploma. Those who do not achieve these objectives will receive a certificate of completion rather than a high school diploma. Schools will base the proficiency in part on a testing program administered throughout a student's K-12 education. The testing program began this year while the diploma/certificate program plan takes effect in 2002. Higher education staff had extensive input into the development of these policies, according to one K-12 official.

Local efforts to link K-12 and higher education are having some success. A Saturday Academy program at historically black Delaware State University recruits students from the 4th to 8th grades. Students in Kent County come to campus each Saturday during the school year for classes in math, science, computers and creative expression.

The university also operates a satellite academy in the Wilmington area. Both university faculty and public school teachers work in the program to build positive attitudes about math and science. Approximately 175 students participate in the program. Another Delaware State program, Forum to Advance Minorities in Engineering, offers weekend activities during the school year for middle and high school students.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	133,283	18.4	14,448	22.2
White	553,488	76.4	45,900	70.5

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	770	5.5
White	12,490	88.5

Other TWIs

	Number	Percent
Black	NA	NA
White	NA	NA

HBCUs

	Number	Percent
Black	1,853	76.8
White	402	16.7

Average Family Income, 1995

Black	$27,123
White	$41,376

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Delaware	86.7
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Access To College

High School Graduates 1995/96 and First-Time, Full-Time Freshmen 1996

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	1,247	23.8	680	16.2
White	3,712	70.9	3,270	78.1

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	1,591	11.2	365	2.8	1,977	12.5	2,623	15.9
White	12,305	87.0	12,213	94.3	13,303	83.9	12,892	78.0

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	230	8.0	201	6.9	213	7.1	318	9.0
White	2,586	90.1	2,630	90.5	2,697	90.4	3,066	86.3

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	0	0	0	0	2	0.4	4	2.9
White	41	83.7	48	82.8	384	75.3	96	69.1

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	NA	NA	NA	NA	NA	NA	NA	NA
White	NA	NA	NA	NA	NA	NA	NA	NA

Full-Time Faculty By Institution Type 1995/96

	Flagship		HBCUs	
	Number	Percent	Number	Percent
Black	29	3.2	74	44.0
White	804	87.9	75	44.6

Florida

Budget

State funding for universities increased 7.5 percent in the 1997-98 year, from $2.0 billion to $2.15 billion.

Legal Developments

Florida submitted plans to desegregate its higher education system in 1978 and 1983. Both plans gained approval from OCR, but the agency continued its oversight after the second plan expired in 1985. State officials believed they were in full compliance with Title VI by early 1993.

OCR selected Florida as one of the first test sites in its effort to evaluate access to higher education by underrepresented students, using a partnership model that included public schools, community colleges, state universities, independent postsecondary institutions, the governor's office and OCR. See page 35-37 for a discussion of OCR's current activities in Florida.

New Policies

The state legislature has focused much attention on education recently. In an attempt to promote more college-ready graduates, new high school graduation requirements have been enacted. They include completion of Algebra I or its equivalent and achievement of a cumulative, unweighted 2.0 grade point average, on a four-point scale, for required courses rather than a 1.5 GPA. The grading system has also changed with a state requirement that students score at least a 70 to achieve a passing grade of D.

Legislators agreed on details of a new student-aid initiative funded through the lottery. The Florida Bright Futures program offers college students three different types of financial aid based on high school grade point averages and standardized test scores. The Florida Academic Scholars Award, the most generous and rigorous of the programs, provides an award equal to average annual postsecondary tuition and fees, plus $600 for expenses. The Florida Merit Scholars Award provides an award equal to 75 percent of costs for baccalaureate programs, while the Florida Gold Seal Vocational Scholarship targets students enrolling in associate degree/technical programs. Students must have a cumulative unweighted high school GPA of 3.5 to be eligible for a Florida Academic Scholars Award and must maintain a 3.0 postsecondary GPA to retain the award. The Florida Merit Scholars and the Florida Gold Seal Vocational Scholars Awards require a 3.0 high school GPA for initial eligibility and maintenance of a 2.75 postsecondary GPA.

State lawmakers also voted to expand need-based financial aid, largely through tuition increases at state institutions. Tuition will increase 7.8 percent at undergraduate institutions, but the state will spend 45 percent of the proceeds on need-based aid. Officials believe this policy will generate about $13.5 million in additional financial aid. Other legislation calls for higher tuition costs if students do not complete degree programs within specified lengths of time.

Recent legislation also encourages cooperation between secondary and postsecondary institutions. One change requires school districts to issue a college-ready diploma to graduates who finish a college-prep curriculum and pass a college entry-level placement test before graduation. The diploma gives a student entry into a degree program without placement testing or remediation for up to two years.

New legislation encourages the production of more minority teachers through the Minority Teacher Education Scholars program which provides students in teacher education programs with an annual scholarship of up to $4,000 for two years. Students must commit to one year of teaching for every year of the scholarship.

Performance-based funding received renewed attention from state lawmakers to help promote accountability of colleges and universities. Two-year institutions currently operate under performance requirements, with colleges eligible for incentive dollars based on criteria such as the number of degrees earned and the ability to serve disadvantaged students effectively. Four-year institutions joined the program in 1997-98.

For the 1997-98 year, institutions could receive $3.3 million in performance funds under three main indicators: ratio of baccalaureate degrees to full-time equivalent enrollment; a graduation/retention index for first time in college (FTIC) students; and five-year changes in transfer graduation rates for FTIC students and associate degree earners. The state may, however, consider broader opportunity-based indicators in future years; new state legislation requires the Board of Regents to collect data from each university on the improvement of graduation and retention rates for minority students.

The state's community colleges will face more performance-based requirements, this time in postsecondary vocational education. The legislature transferred $296 million from the community college budget plus funds from elementary/secondary education into a new program through which schools and colleges access funds based on performance.

Although lawmakers did not fund all of the improvements discussed with OCR for Florida A&M University, they did provide additional funding for the school, as well as for enhancement at the state's private HBCUs.

Among individual institutions, Florida Atlantic University in 1996 changed several scholarship programs targeted to minority students. These scholarships triggered an investigation by the Bush Administration in 1990, when OCR declared exclusively race-based scholarships illegal. The administration later withdrew this policy. After six years, the new settlement negotiated with the university provided for the continuation of most race-targeted scholarships with modifications. Under the new plan, both the Martin Luther King Scholars Program – a merit-based scholarship – and the Martin Luther King Award Program – a need-based scholarship – are open to all students but continue to consider race.

Promising Practices

The statewide College Reach Out program offers early intervention services to help disadvantaged students prepare for college. Blacks comprised 78 percent of the 1995-96 participants; participants are recruited based on factors such as economic status, eligibility for public assistance and first-generation-in-college status.

The program serves students from grades 6 through 12, though students in 6th to 9th grades must represent at least 60 percent of new program students each year. The state selects local grantees on a competitive basis that relies in part on the ability to craft a secondary/postsecondary partnership. Most partnerships also include formal linkages between community colleges and baccalaureate institutions.

Among participants in the 1995-96 school year, 56 percent of black high school graduates moved on to postsecondary education compared to 36 percent of those high school graduates in a random sample group. Fifty-two percent of Hispanic students in the program who graduated in 1995-96 enrolled in college compared to 43 percent in the control group. Seventy-seven percent of Reach Out graduates who entered the state university system had a 2.0 grade point average or higher, compared to 75 percent of youth not enrolled in the program. In 1995-96, all 10 public universities and 24 community colleges sponsored Reach Out projects supported by state funding of $2.4 million. The program served almost as many 6th graders as 12th graders that year, part of a philosophy to seek intervention as early as possible.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	2,061,186	14.3	233,438	20.0
White	10,051,362	69.8	700,011	60.0

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	1,801	6.8
White	20,056	75.2

Other TWIs

	Number	Percent
Black	8,197	10.4
White	53,232	67.4

HBCUs

	Number	Percent
Black	7,502	93.9
White	285	3.6

Average Family Income, 1995

Black	$25,742
White	$37,173

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Florida	34.4
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

High School Graduates 1995/96

	Number	Percent
Black	18,501	20.6
White	55,815	62.1

First-Time, Full-Time Freshmen 1996

	Number	Percent
Black	3,371	17.6
White	12,005	62.8

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	7,847	11.8	8,249	11.5	11,740	12.5	17,500	15.4
White	55,194	83.2	57,865	81.0	68,966	73.3	73,573	64.7

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,473	7.2	1,631	7.8	1,443	6.0	2,943	9.5
White	17,905	87.1	17,611	83.8	19,695	81.5	22,670	73.4

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	41	5.9	38	5.5	31	4.1	59	6.1
White	550	79.1	570	81.8	508	66.8	602	62.6

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	33	4.6	34	3.7	57	6.1	102	10.8
White	672	92.8	848	92.1	775	82.6	728	77.3

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	120	3.7	290	5.5	282	64.7
White	2,814	87.0	4,283	81.5	118	27.1

Georgia

Budget

General funds for higher education increased 8.4 percent in 1997-98 over the previous year. Tuition for in-state undergraduate students increased 6 percent.

Legal Developments

Georgia was found to be in full compliance with Title VI by OCR in 1988. Recently, however, a suit has been brought against the university system in which the plaintiffs, who are both black and white, allege that the system remains segregated. As they call for desegregation, however, they seek to prohibit the consideration of race in admissions and hiring decisions. The plaintiffs cite the continuing racial identifiability of system institutions and state a belief that admission standards at and quality of historically black institutions in the system are lower than those at traditionally white institutions. See page 52 for further discussion.

New Policies

The university system is raising its admission standards at all system institutions. The new standards are being phased in over a period of several years; they will be fully implemented in 2001. The system is also phasing out remedial courses at four-year institutions over the same time period. Two-year institutions will continue to offer remedial courses.

To prepare students for these changes, the university system has developed and is in the process of implementing a plan, the P-16 Initiative, to build strong links between K-12, two-year and four-year institutions. While statewide, P-16 is a voluntary effort; institutions are not required to participate and the P-16 Council, which is overseeing this effort, has no governing authority. Despite this, the majority of K-12 districts, community colleges and four-year institutions have become involved. Representatives from each of these sectors of education as well as from the Department of Technical and Adult Education and the Department of Education have formed local councils based primarily on geographic proximity. The local councils generally also include representatives from the community, business, social service and nonprofit organizations. Each local council has developed a plan to improve student achievement at the K-12 level so that students will be prepared upon high school graduation to enter postsecondary education or secure a job. The types of plans vary based upon the strengths of the local council and the needs of the students being served. Some councils are developing standards for K-12 tied to the new university admission standards so that pathways from K-12 to higher education and the workplace are established. Others are examining school reform and teacher education. The state is providing $10,000 planning grants and $200,000 for selected local councils to implement their plans.

The university system is also developing a statewide database that will track student progress from K-12 through two-year and four-year institutions. The system will not only feed information back to high schools about student performance in postsecondary institutions but administrators expect that teachers will use it to identify at-risk students and offer early interventions.

To ensure that students at risk for poor academic achievement will be prepared to meet the new university admission standards, the university system has also developed the Postsecondary Readiness Enrichment Program (PREP). PREP is part of the P-16 Initiative and, like the work of local councils, links K-12 to two-year and four-year institutions. PREP consists of a summer program on four-year campuses and tutoring and mentoring programs during the academic year. Students enter PREP as middle school students and can remain with the program through high school. PREP students are also required to participate in community service projects so that not only are they improving their academic skills but are also developing appreciation for civic roles.

Georgia has also implemented the HOPE Scholarship Program. Students who earn a B average or higher in the high school core curriculum receive a scholarship to cover their tuition, fees and books at any public institution in Georgia. They must maintain a B average to retain their scholarship. While the program has been criticized for its reliance on the state lottery and for its non-need-based standard for eligibility, it has proved enormously popular within Georgia and has attracted nationwide attention and emulation. See page 21 for further discussion.

Promising Practices

Since 1983, each institution has had a minority recruitment officer as well as the Minority Advising Program (MAP). The minority recruiter has, at each institution, the lead role in developing strategies to recruit minority students. In addition to advising students, MAP offers tutoring, mentoring, financial aid and admissions workshops to minority students.

Each system institution is required to develop a plan to promote equal opportunity beyond the efforts of the minority recruiter and MAP. Several of the institutions that have shown commitment to promoting minority student access and success have received additional funds to support their efforts.

As part of the P-16 Initiative, the university system has undertaken a public information campaign to notify all current middle school students, the students who will be the first group to meet the new admission standards in their entirety in 2001, of the changes in the admission policies. Letters describing the new standards have been sent to the homes of every current 7th grader. Information packets, which include several video presentations, have been distributed in every school district.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	2,057,208	28.0	236,444	32.3
White	4,967,758	67.6	455,655	62.2

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	1,439	7.1
White	17,758	87.2

Other TWIs

	Number	Percent
Black	13,271	19.2
White	50,329	72.9

HBCUs

	Number	Percent
Black	6,357	95.6
White	201	3.0

Average Family Income, 1995

Black	$27,201
White	$39,720

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Georgia	2.8
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	18,273	32.3	4,806	23.9
White	36,600	64.6	14,039	69.7

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	10,425	16.8	8,392	15.1	13,672	16.6	21,067	21.9
White	50,061	80.7	45,557	81.8	64,779	78.8	68,288	71.1

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,226	9.7	1,205	9.5	1,711	11.0	2,603	13.5
White	11,207	89.1	11,049	87.1	13,111	84.6	15,486	80.2

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	10	2.3	20	4.6	12	2.1	35	4.9
White	422	95.9	355	81.4	403	70.8	447	62.8

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	17	3.5	22	4.1	28	4.4	40	5.8
White	459	95.0	500	93.8	567	89.7	597	86.3

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	78	3.9	263	5.4	210	51.0
White	1,659	83.6	4,267	87.1	129	31.3

Kentucky

Budget

State funds for higher education increased 7.8 percent in 1997-98 over the previous year.

Legal Developments

Kentucky was released from further reporting by OCR in 1987; OCR, however, has never notified Kentucky about its final status regarding Title VI compliance. Although OCR has not yet officially informed the state, Kentucky is one of the six states now scheduled for a review by OCR to resolve remaining issues.

New Policies

The state Council on Higher Education developed a performance-based funding system for the 1997-98 academic year with $3 million available for institutions that met specific criteria. The program contained four mandatory indicators: educational quality and improvement; student persistence and graduation; technology use for all institutions; and teacher education for four-year institutions and workforce development for two-year institutions. Colleges and universities could choose from among a variety of discretionary indicators, including progress toward implementing the state's equal opportunity plan. Only one institution, historically black Kentucky State University, chose this option.

During the 1997 special session, the state legislature replaced this program with a new incentive-based program. There are no specific programs directed at access for minority students among the top six statewide priorities. Kentucky will create trust funds on research, regional programs of distinction, financial aid, facilities, technology and workforce development. The state will commit $15 million in start-up funds, with plans to expand it in future years to as much as $70 million, representing 5 to 10 percent of the state higher education budget. Legislators and the governor will provide new funds for this program, with no cuts in current education services.

The special session also saw lawmakers approve several sweeping changes to the state's higher education system. The state created a new Community and Technical College system, removing control of two-year institutions from the University of Kentucky. Education leaders do not expect this move to have an adverse impact on access for minority students to college. The university plans to monitor how well students move from community colleges to the flagship institution under the new system.

The state's Council on Higher Education will become the Council on Postsecondary Education, with fewer members but representation that better reflects the state's population. The council will take on new duties, such as making biennial budget requests to the general assembly and the governor. It also will develop recommendations for a new accountability program favored by the legislature to measure outcomes. Educators may use the performance-based program as a guide when developing this initiative.

Though in transition to its new structure, the old Council on Higher Education gave final approval to Kentucky's latest equal opportunity plan. This plan covers 1997 through 2002 and sets objectives for each of the state's eight colleges and universities and 14 community colleges. Specifically, the plan outlines objectives for black enrollment, retention, graduation, enrollment in graduate study and employment of faculty and staff. In a departure from past plans, the new proposal expects institutions to show the same retention and graduation rates for black and white resident students. Data collected from the most recent five-year equal opportunity plan showed that five of the state's seven traditionally white institutions lost ground in retaining black undergraduates from 1990 to 1995. The proposed equal opportunity plan also calls for improvements at historically black Kentucky State University.

The state views the new equal opportunity plan as a voluntary effort and, as such, it differs from the 1982 desegregation plan Kentucky entered into with OCR. While that plan focused on the elimination of remnants of *de jure* segregation, the new plan's objectives are to improve the status of blacks in Kentucky. It "envisions a higher education system that is student-centered, where choice of institutions is unfettered and success is realizable for everyone, regardless of race."

Kentucky has joined the growing list of states that have established new or expanded existing merit-based scholarship programs. Kentucky's new scholarship program, however, is structured differently than most. Beginning with their freshman year in high school, students can earn scholarship money based on their grade point averages. The minimum GPA needed to qualify is 2.5; as GPA rises, so does the award. Students who have maintained a 4.0 GPA all four years of high school will receive a scholarship of $2,000 for college, which is renewable if they keep at least a C-plus average.

Promising Practices

Since 1992, the state has tied approval of new academic programs to each institution's performance in implementing the objectives of the Kentucky Plan for Equal Opportunities. Each fall, the Council on Postsecondary Education's Committee on Equal Opportunities assesses annual institutional progress in implementing the equal opportunity plan and establishes institutional status regarding eligibility to submit new program proposals for approval by the Council during the following calendar year. Certain waivers are available, but an institution gains an automatic right to submit new program proposals for approval by making the necessary progress as outlined in the administrative regulation which implements the plan. In 1997 both the flagship University of Kentucky and historically black Kentucky State University were ineligible to submit new program proposals for approval by the Council on Postsecondary Education.

Through their participation in the Kentucky Education Reform Act (KERA), college faculty and administrators are building closer connections between K-12 and higher education. The legislature approved KERA in 1990 in response to a K-12 school finance equalization suit. KERA called for massive education reforms including restructuring

of high schools and required support from the state's public colleges and universities. As part of this commitment, institutions have committed financial resources plus faculty and staff time and expertise to KERA-related activities.

This work has brought together higher education, K-12 schools and the state Department of Education to begin institution-wide training and program redesign for high school restructuring and to realign teacher/administrator preparation with the goals of education reform. Most public universities reported that "faculty were extensively involved in research related to education reform," although most of these studies were undertaken within postsecondary schools of education. Two of the state's universities continue to run a collaborative research institute whose sole purpose is to study the progress and effects of KERA's implementation.

The Council on Postsecondary Education participates in KERA in two major ways. Its staff, along with other higher education representatives, works with the Education Professional Standards Board to develop performance standards and assessments for new and experienced teachers and administrators. The Council also has a Public Education Support initiative that works to create partnerships between colleges/universities and public schools on issues such as early intervention for at-risk middle school students and preparation and recruitment of minority students. The state promotes these links between higher education and K-12 through the Governor's Minority Student College Preparation Program and others. College and university staff also provide information for school administrators and teachers on the collegiate performance of their recent graduates through the Kentucky High School Feedback project.

Kentucky supports the Governor's Minority Student College Preparation Program with annual funding of $196,000, through which six universities and two community colleges conduct outreach and campus-based summer programs with students at the middle school and high school levels. Higher education officials talk with students and their parents about pre-college curriculum (course selection), college entrance requirements and careers. A mentoring component is also part of the program.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	277,347	7.1	32,572	8.2
White	3,548,663	91.4	358,541	90.0

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	767	5.2
White	12,995	88.2

Other TWIs

	Number	Percent
Black	3,341	6.8
White	44,125	89.9

HBCUs

	Number	Percent
Black	1,118	67.0
White	487	29.2

Average Family Income, 1995

Black	$20,653
White	$33,019

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Kentucky	100.0
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Selected Data - Kentucky

Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

	High School Graduates 1994/95		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	2,923	7.8	1,282	9.9
White	33,795	89.9	11,353	87.5

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	4,530	8.2	4,274	7.4	4,695	7.1	5,226	8.0
White	49,866	90.0	51,708	89.8	59,782	90.3	57,607	88.0

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	489	5.4	446	4.8	425	4.4	611	5.3
White	8,361	93.2	8,495	91.6	8,795	91.6	10,505	90.7

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	0	0	1	0.6	3	1.4	7	2.5
White	152	91.0	135	84.9	149	70.6	197	69.4

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	19	2.2	15	1.8	16	2.3	12	1.6
White	832	96.7	795	97.0	649	93.9	694	93.9

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	62	3.5	137	4.0	45	33.8
White	1,590	88.5	3,019	88.9	76	57.1

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Louisiana

Budget

State funding for higher education increased 6.9 percent in 1997-98 over the previous year.

Legal Developments

Louisiana was referred to the Department of Justice for refusal to submit a desegregation plan to OCR. The department sued the state for noncompliance with Title VI in 1974, and a consent decree evolved from this process in 1981. All parties to this suit reached a settlement in November 1994 that resolved all issues except land-grant topics under the new *Fordice* standard.

Under the settlement, the state has committed $48 million for new programs at its three historically black institutions. With these funds, Southern University-Baton Rouge will develop and implement four to seven doctoral programs, five master's degree programs and four baccalaureate/associate degree programs. Southern University-New Orleans will add five master's programs, while Grambling State University will institute one doctoral, two master's and four baccalaureate/associate degree programs. The state also will set aside funds for other-race scholarships at the doctoral level.

In addition, the settlement required a review to eliminate duplicative programs, established a new community college in Baton Rouge, and outlined missions and admissions criteria for state institutions. It also retained the current system of governance, which includes four boards that oversee higher education. A monitoring committee reviews compliance with the settlement and provides annual reports to the court.

Louisiana is a Fifth Circuit state and is governed by the *Hopwood* decision. However, Louisiana officials expressed little concern about the case and its ramifications so far, largely because the state is under a desegregation order.

New Policies

The state has reconfigured its higher education system to meet terms of the court mandate. While Louisiana State University will continue as the state's flagship institution, the state will upgrade the status of Southern University-Baton Rouge, a move that will include the introduction of selective admissions criteria by the year 2000. Southern University-New Orleans will launch new undergraduate and graduate programs, though it will retain its open admissions process.

Under the new system, the state has stipulated that every institution with admissions criteria must reserve 15 percent of its entering class for admissions exceptions. The bulk of these exceptions, 10 percent of total admissions, are reserved for other-race students.

Southern University-Baton Rouge implemented a public policy Ph.D. program and a master's degree program in physics in 1996, while Southern University-New Orleans launched a master of arts program in criminal justice.

Grambling State University began an Ed.D. program in curriculum and educational leadership in 1995 and launched master's programs in mass communications and nursing in 1997.

As required under the court settlement, the Board of Regents in 1996 completed a review of coursework at the state's universities and identified duplicative programs. The Regents eliminated 79 programs and targeted 50 others for inter-campus collaboration in an effort to encourage students to choose institutions based on their unique curricular rather than racial factors.

The court-ordered Baton Rouge Community College plans to open in fall 1998, one year after originally scheduled, because of construction delays. Southern and LSU will jointly run the college, and staff from both institutions have approved associate degrees in general studies and science. The goal is to set core curricula that students can transfer to either institution for upper-level work.

In 1997, Louisiana joined other states in providing support for a new aid program comparable to the nationally popular HOPE Scholarship. The new TOPS program quickly will become the state's largest financial aid program, with four components for students based on grades, test scores and commitment to academic coursework. There are no income guidelines for the program. The TOPS program components are:

- an Opportunity Award for those with a 2.5 high school GPA, 16.5 core academic course units in high school and a score of 19 or better on the ACT. This grant will cover the cost of public college tuition.
- an Honors Award for those with a 3.5 GPA, 16.5 core course units and an ACT score of 27 or better. This grant will include public college tuition plus $800.
- a Performance Award for those with a 3.5 GPA, 16.5 core course units, a 23 ACT score and a class rank in the top five percent. These students will receive public college tuition and $400.
- a Teacher Award for those with a 3.25 GPA, 16.5 core course units and a 23 ACT score who want to pursue a teaching career. The program will provide tuition aid plus loans for science and education majors in exchange for a commitment to teach in public schools.

State officials said they plan to work closely with K-12 school counselors to conduct outreach. Students will have to maintain satisfactory academic progress at college to renew their awards.

To promote cooperation and eliminate duplication, the governor proposed a single superboard to run higher education instead of the current framework that consists of four boards. Such a plan would affect the authority of the Southern University and A&M College System, the only system of historically black colleges in the nation. Other governance structures include the Board of Regents, which provides general statewide planning, the Louisiana State

University System, and the University of Louisiana System that manages other state colleges and universities.

State lawmakers rejected the superboard effort but voted to give the Board of Regents more authority to scrutinize university budgets and eliminate duplicative programs. Regents also will receive veto power over the selection of university presidents.

Accountability is on the state agenda as well as part of a plan to create a performance-based funding system within higher education. In 1997, the legislature set aside $15.5 million for a new higher education funding formula, and officials expect to allocate some of these dollars under the anticipated performance system. Thus far, performance indicators do not include access and success of minority students. There are six major performance areas: mission-specific goals; graduation/retention/attrition rates; administrative efficiency; faculty activity; academic program quality; and student costs/financial aid. Officials expect that institutions will be able to set minority subgoals under graduation/retention or mission-specific goals.

In addition, the state legislature also set in motion a process that could lead to a dramatic expansion of community colleges in the state. Lawmakers approved a fall 1998 ballot initiative to create a state system of community colleges. Currently, the Southern University System and University of Louisiana System operate separate two-year campuses under their own administrations. The court-ordered Baton Rouge Community College will become part of the new Community College System if voters embrace the idea.

Promising Practices

Partnerships between LSU and Southern University-Baton Rouge are leading to a variety of new cooperative research programs, summer institutes and cross-registration programs. Among the new programs is a course in race relations taught by a joint faculty team with students from both institutions. Dual-degree programs in international studies, chemistry and chemical engineering also are on the agenda. The court settlement requires a joint annual meeting of the LSU and Southern boards, which has contributed to these cooperative efforts.

Statewide, the Louisiana Alliance for Minority Participation seeks to double the number of baccalaureate degrees in science, math, engineering and technology on 12 campuses. Southern University is the lead institution, with LSU serving as a partner. The program allows undergraduates to work in the laboratory of an LSU faculty member for eight weeks during the summer months, receiving a $3,000 stipend plus room and board.

The Huel D. Perkins Doctoral Fellowship program at LSU began in 1995 and has shown success in recruiting black students. Forty-five students received aid during the 1995-96 year, which included a $14,000 stipend and exemption from tuition. The program also has conducted summer institutes for black students at the undergraduate level.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,362,248	31.8	169,081	36.8
White	2,789,924	64.1	269,159	58.6

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	263	12.9
White	1,675	82.1

Other TWIs

	Number	Percent
Black	12,528	15.5
White	62,687	77.3

HBCUs

	Number	Percent
Black	16,728	97.1
White	276	1.6

Average Family Income, 1995

Black	$19,656
White	$35,991

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Louisiana	43.7
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	13,803	37.8	6,756	31.6
White	21,788	59.7	13,413	62.8

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	21,078	25.5	18,338	22.0	24,986	26.5	29,519	29.4
White	58,845	71.1	59,797	71.8	64,989	69.0	64,638	64.4

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	2,405	18.7	2,310	18.8	2,379	18.1	3,119	21.0
White	10,083	78.4	9,316	75.6	9,832	74.8	10,752	72.3

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	6	3.0	3	1.7	5	1.7	20	5.4
White	160	79.6	148	82.7	181	60.9	216	57.9

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	36	5.7	56	8.4	80	11.9	81	11.4
White	586	93.5	601	90.6	564	84.2	579	81.4

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	3	2.1	218	3.4	649	70.0
White	134	92.4	5,617	87.7	160	17.3

Maryland

Budget

Funding for community colleges increased in 1997-98 by 4.4 percent and for four-year institutions by 3.5 percent.

Legal Developments

In 1985, Maryland submitted a desegregation plan to OCR which was accepted. The University of Maryland System submitted a final report on its desegregation efforts to OCR in 1991; it has not yet received a response. Maryland is subject to additional review by OCR.

In 1995, the Fourth Circuit Court of Appeals, in *Podberesky v. Kirwan*, ruled that the race-based features of the Benjamin Banneker Scholarship Program at the University of Maryland College Park were too broad a remedy for the conditions that the state was trying to cure. The Banneker Scholarship Program was a merit-based scholarship program for black students; the program offered full scholarships to up to 30 to 40 black students who had 3.0 GPAs or higher and SAT scores of 900 or above. The Supreme Court declined to hear an appeal by the university. The university has since merged the Banneker program with the Francis Scott Key Scholarship Program, and it is now open to students of all races. Of the 71 Banneker-Key Scholars in 1995-96, 19 were black.

While Maryland is not bound by *Hopwood*, the attorney general's office reviewed admissions policies at the system's institutions several times during 1997. Such action was undertaken to ensure that these policies would avoid a *Hopwood*-like suit.

New Policies

In 1996, Maryland implemented the Educational Excellence Award program as a result of the 1991 Scholarship Reform Act. The program has two components – Educational Assistance (EA) grants, which replaced the state's General State Scholarship Program, and Guaranteed Access (GA) grants. GA grants are designed to meet the needs of low-income (less than 130 percent of federal poverty standards), high-risk students. GA grants cover up to $8,300 of student need. Eligibility criteria for participation in both programs include income level, a minimum GPA of 2.5 and being drug-free.

The Maryland General Assembly approved a pre-paid tuition program. This program will allow individuals to purchase an investment contract calling for regular payments based on the age of the beneficiary and the type of tuition plan sought. Tuition plans available are for community colleges, four-year institutions or the two-plus-two plan.

At the urging of the General Assembly and with the support of the Maryland Higher Education Commission, Maryland's four historically black institutions have recently developed plans to improve their retention and graduation rates, which lag behind those of traditionally white schools. These plans vary based on the particular needs and strengths of each institution but include such strategies as improving professional development, expanding the use

of technology and enhancing mentoring and support programs. The General Assembly has allocated $2 million for the first year of this five-year effort.

To improve accountability and strengthen links between higher education institutions and high schools, the Maryland Higher Education Commission publishes an annual report, the Student Outcome Achievement Report (SOAR), which tracks the progress of high school graduates through their first year of college. The report provides information on, among other things, remediation rates, first math and English grades, and retention at Maryland's public and selected private institutions.

Maryland was one of the first states to develop academic standards in elementary and secondary education. The Maryland Higher Education Commission has now joined the University of Maryland System and the Department of Education to link these reform efforts to higher education through an initiative called the Partnership for Teaching and Learning K-16. The Partnership is an effort to develop substantive collaborations between each sector of the educational system. One of the goals of the Partnership is to ensure that K-12 standards are in alignment with two-year and four-year institutions' admission standards so that students will be prepared for the demands of a college-level curriculum. An additional goal of the Partnership is to eliminate the gaps in minority student achievement. Among the strategies it has developed to meet its goals is a series of roundtables focusing on different aspects of K-16 reform and which include business and community representatives as well as faculty and administrators. (See page 24.)

Promising Practices

Two programs designed to attract and retain more minority students in the sciences are flourishing at the University of Maryland Baltimore County, a TWI, and Bowie State University, an HBCU. Bowie State has the newer of the two programs; fall 1997 marked the beginning of its third year. Bowie State's Science, Engineering and Mathematics Education Reform/Model Institutions for Excellence Initiative (SEM/MIE) is one of six programs funded by the National Science Foundation and the National Aeronautics and Space Administration to improve the quality of education minorities receive in science fields and encourage more minorities to pursue baccalaureate and graduate degrees in science. The SEM/MIE program has multiple components ranging from outreach programs to K-12 students, collaborations with public schools, community colleges and Ph.D.-granting institutions as well as business, scholarship assistance, tutoring, research opportunities and curriculum reform. Initial assessment indicates high student satisfaction and an increased intention among students to pursue graduate degrees in the sciences.

The Meyerhoff program at the University of Maryland Baltimore County has been in place since 1989 and is now seeing clear results of its efforts to encourage and support minority students in science fields. Originally initiated as a program for black males, it has been expanded to include other minorities and women. Like the SEM/MIE program at BSU, the Meyerhoff program utilizes various strategies including program-based study groups, scholarships and

summer bridge programs. Analysis of the program has shown that Meyerhoff students are more likely to remain in science fields than similarly prepared black students, have grade point averages higher than similarly prepared black students (3.4 v. 2.8), and have grade point averages at least as high if not higher than similarly prepared white and Asian students. Program participants have a 95 percent graduation rate. They are, moreover, very likely to pursue graduate studies. Of the program graduates to date, approximately 93 percent are pursuing graduate studies.

In 1996, the then-president of the University of Maryland College Park, the state's flagship institution, challenged campus leaders to increase the five-year graduation rate to 70 percent within five years. Efforts to improve its graduation rate began with a comprehensive study and now focus, among other things, on two areas. The first is vesting responsibility to improve graduation rates in individual departments. Departments with strong plans to improve student success have received additional funding to support their efforts. The university is also concentrating on improving relationships between faculty and students. Faculty are now encouraged to understand that high standards do not necessitate high failure rates.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,352,364	26.7	130,911	30.6
White	3,353,077	66.1	258,502	60.5

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	3,002	14.2
White	13,387	63.2

Other TWIs

	Number	Percent
Black	3,607	11.0
White	25,784	78.6

HBCUs

	Number	Percent
Black	10,487	90.8
White	612	5.3

Average Family Income, 1995

Black	$28,602
White	$45,732

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Maryland	84.2
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	12,354	29.8	3,417	28.8
White	25,662	62.0	7,098	59.9

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	13,373	21.9	11,144	20.9	13,046	20.7	17,096	26.1
White	45,091	73.9	37,829	70.8	43,612	69.1	39,783	60.7

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,745	12.3	1,770	12.9	1,957	12.3	3,008	17.9
White	11,863	83.6	10,795	78.7	12,459	78.4	11,825	70.5

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	18	4.5	14	3.8	30	5.4	45	7.5
White	311	77.9	290	79.0	357	64.6	303	50.4

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	46	5.8	52	6.2	79	8.6	145	15.0
White	741	93.6	769	91.0	787	85.4	724	75.0

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	125	5.2	172	5.1	402	57.7
White	1,895	78.2	2,831	83.7	198	28.4

Mississippi

Budget

General funds for higher education increased 8.4 percent from 1996-97 to 1997-98. The state also has increased funding for public K-12 education during this period.

Legal Developments

Mississippi was referred to the Department of Justice after OCR failed to approve a desegregation plan. A group of black citizens in 1975 brought a separate case, which the government eventually joined, to seek a more equitable system of higher education and improved funding for historically black colleges. The case went to trial in 1987; ultimately plaintiffs appealed lower-court findings to the U.S. Supreme Court. In 1992, the high court in *United States v. Fordice* ruled that the state was continuing policies linked to the *de jure* system of segregation and must remedy the effects of these practices.

In March 1995, the district court in *Fordice* issued a remedial decree that ordered new uniform admissions standards, program improvements and new programs at historically black Jackson State University and Alcorn State University plus new trust funds for both HBCUs. It also directed the Board of Trustees of State Institutions of Higher Learning (IHL) to conduct studies on articulation, the future of Jackson State and facilities maintenance. Another section of the ruling ordered IHL to examine alternatives to a proposed merger of Mississippi Valley State University, an HBCU, and traditionally white Delta State University.

Plaintiffs appealed this ruling to the Fifth Circuit Court of Appeals, which in April 1997 upheld the new admissions standards but required reexamination of the use of ACT cutoff scores as a criterion for the award of academic scholarships. The court also ordered the Board to provide the district judge with more information on its intentions regarding new programs at the state's HBCUs. In January 1998, the United States Supreme Court refused to hear further plaintiffs' appeals.

In conjunction with its new higher admission standards, Mississippi has pursued a new policy that would limit remediation services at four-year universities. In April 1997, the Fifth Circuit ordered the IHL to reconsider this new approach.

A hearing was held in May 1998 by the district court to review the implemention of *Fordice* remedies. Noting that the number of black freshmen has declined despite a 7.3 percent increase in the overall number of black students in Mississippi's university system, the court ordered the Board to monitor freshmen enrollment and to report to the court its finding. (See pages 43-47 for further discussion.)

Mississippi is governed by the Fifth Circuit Court of Appeals, and is subject to the *Hopwood* decision. Thus far, however, officials believe the decision will have little bearing on the *Fordice*-related affirmative measures because Mississippi is under a separate remedial decree.

New Policies

Despite ongoing court litigation, the state launched new system-wide admissions standards at public universities in the 1996-97 academic year. The new policy requires students to meet one of four requirements:

- a high school grade point average of at least 3.2 in a college-prep curriculum;
- a GPA between 2.5 and 3.2 in core courses or an ACT score of at least 16 and a class rank in the top 50 percent of their class;
- an ACT score of 18 and a GPA of 2.0 or higher; or
- ability to meet NCAA standards for student athletes who are full qualifiers under current Division I guidelines.

Those who do not meet these requirements can receive conditional admission and further assessment. Institutions will refer many of these students to a Summer Developmental Program, after which they may gain admittance to a university.

The state reports that for the 1996-97 academic year, it referred 2,335 individuals for developmental screening, 890 of whom actually took for the placement exam. Of these 890 students, approximately 173 were eligible for enrollment in the fall semester, 218 enrolled in the summer program, 120 missed the deadline to enroll and 379 chose not to or were otherwise unable to enroll in the summer program. Critics of the policy noted that students, particularly those from needy families, must work during the summer months and may have limited access to such a summer program. The state reported that 207 students completed the summer program, and 201 enrolled for classes in fall 1996.

The number of students participating in the 1997 Summer Developmental Program increased 39 percent to 303 students of whom 273 successfully completed the program. Blacks accounted for 95 percent of the students in the program. Most of the students in the summer program – 229 – were enrolled at one of the three HBCUs. Of the 287 black students who began the program, 208 (72.5 percent) ultimately enrolled in fall 1997. All 15 of the white students who participated in the program enrolled in fall 1997.

Despite the summer remedial program, enrollment of black first-time freshmen in the universities has declined since implementation of the new standards. In fall 1995, 3,213 black students enrolled as first-time, full-time freshmen across the state's eight public four-year institutions; they represented 43 percent of all freshmen. In fall 1996, the year the new admission standards were implemented, first-time, full-time black freshman enrollment was 2,750. Their representation had fallen to 38 percent.

The new admission standards illustrate the need for K-12 and higher education cooperation. So far, the Board of Trustees has "blanketed the state" with information about the new academic standards, according to one official. Officials also said the state has moved to link K-12 and higher education through such programs as college discovery

programs, teacher training design centers and summer institutes. Higher education staff also has served on school reform and monitoring committees that developed school accreditation standards, college prep curricula, teacher certification standards and school report cards.

Mississippi's universities may receive higher-skilled students from the public schools in the future thanks to a new state law that will provide more funds to low-income school districts. The Mississippi Adequate Education Program states that every school district must receive "sufficient" funds to provide an adequate education. The state will provide an increase of at least 8 percent for every district for education services, with the program phased in over a six-year period. Mississippi will spend about $130 million on this program, which gained approval from the legislature over the governor's veto.

This legislation may address a central concern of plaintiffs in the desegregation litigation. They argued that, even though the state superintendent of education had certified that the college preparatory curriculum was available in all public high schools, not all school districts offered this core academic curriculum. The availability of the curriculum is obviously important if students are to compete for college admission. While the record in the case did not establish a correlation between the resources of school districts and the levels of academic development of the students, the plaintiffs argued that disparities among districts may represent vestiges of segregation.

Plans to improve the state's three public HBCUs also are moving forward. The state legislature established a $15 million Ayers Endowment Fund in July 1997 for Alcorn State, Jackson State and Mississippi Valley State universities. These dollars will fund eventual remedies to the *Ayers* litigation.

Each HBCU received $300,000 in 1997 and 1998 as interest payments on the endowment funds. Institutions are to spend about half of the funds on program improvements and the other half on other-race diversity scholarships. Alcorn State University committed $150,000 in 1997 to other-race scholarships, mostly at the university's Natchez campus that offers a nursing program that has drawn both white and black students. Admissions counselors and recruiters also are seeking other-race students through visits to public schools and community colleges. The university allotted the other half of the interest payment to science improvements, including new equipment and programs for honor students.

Alcorn State also received a special state appropriation to create a master's in business administration program at the Natchez campus beginning in fall 1997. As a result of the April 1997 court ruling, the state will conduct a study of the need for additional land-grant programs at the university.

At Jackson State, Mississippi plans to establish new Ph.D. programs in business and social work plus a master's and Ph.D. in urban policy as a result of the 1995 court ruling. A panel recently reported to IHL on the need for additional programs and improvements at the institution. Its report recommended a new College of Engineering and Information Sciences, with a focus on computer science, civil engineering and telecommunications engineering.

and a College of Allied Health and Public Health Sciences. The panel did not, however, recommend a law school or school of pharmacy as sought by Jackson State representatives.

Other recommendations in the Jackson State report included a renewed commitment to prepare K-12 teachers; more courses in business and education; greater use of off-campus sites for convenient instruction; and development of a safe, attractive environment, possibly through acquisition of land adjacent to the university. Through these policies, the report envisions further development of Jackson State as a "modern urban university."

The 1995 remedial decree also required Mississippi to study alternatives to a planned merger of historically black Mississippi Valley State and traditionally white Delta State University. The state accepted a recommendation to pursue options other than a merger, and IHL said it expects to act soon on other findings in the study. A report commissioned by IHL proposed new programs for Mississippi Valley State in seven new areas, including history and special education. The university began offering a bachelor's degree in history and a master's degree in criminal justice during the 1996-97 academic year. Mississippi Valley State also has launched a new education center about 10 miles from its campus. Delta State faculty help staff this center.

Mississippi Valley State also has committed part of its endowment interest funds to other-race scholarships and other-race faculty hiring. The university allocated some of its $300,000 interest payment to purchase equipment and make improvements in the Summer Developmental Program for students who must enroll in this program before they start college.

To help students afford higher college costs, Mississippi has enacted two aid programs that target low-income students. Those who meet certain academic criteria could receive the new Higher Education Legislative Plan for Needy Students (HELP) Scholarships, which will serve families with incomes under $30,000 annually. Students must have a 2.5 high school grade point average and a 20 score on the ACT to qualify for aid, which would cover all tuition and fees at any two- or four-year public institution. Students must maintain a 2.5 GPA in college to continue receiving the scholarship.

The state in 1995 created a Mississippi Tuition Assistance Grant to serve needy students who do not qualify for the maximum Pell Grant. The program can provide $500 a year to freshmen and sophomores and $1,000 annually to juniors and seniors. The grant serves students with lower ACT test scores; for example, a student can receive aid with a 2.5 GPA or a General Equivalent Diploma and a minimum ACT score of 15.

Promising Practices

Alcorn State University has increased involvement with local school districts in two counties to improve student test scores. The program targets both teachers and students in surrounding Jefferson and Claiborne counties. The university also has offered minority high school research apprenticeship programs and summer programs for future engineers and computer scientists.

The statewide African American Doctoral Teacher Scholarship Program can provide up to $10,000 a year for three years for students who agree to work at a Mississippi public college or university. Recipients must teach at a state institution for the same length of time that they received an award.

Minority students interested in marine and environmental sciences can participate in a special summer program at Gulf Coast Research Laboratory, a non-degree-granting institution administered by the University of Southern Mississippi. The Minority Summer Grant Program provides aid for students to attend classes or conduct independent study projects at the laboratory's Summer Academic Institute. The 10-week program includes field trips to provide students with first-hand access to a marine environment; research and academic programs also are available with the National Association of Marine Laboratories.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	983,709	36.2	131,110	43.6
White	1,686,070	62.1	163,283	54.3

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	743	9.9
White	6,382	85.3

Other TWIs

	Number	Percent
Black	4,991	19.9
White	19,237	76.6

HBCUs

	Number	Percent
Black	8,860	97.9
White	92	1.0

Average Family Income, 1995

Black	$18,792
White	$33,982

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Mississippi	92.0
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	11,033	46.3	3,105	40.8
White	12,513	52.5	4,313	56.7

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	12,453	32.6	11,961	31.8	13,659	32.1	14,594	35.0
White	25,140	65.9	24,996	66.4	27,966	65.6	25,711	61.7

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,762	23.1	1,937	24.9	1,580	21.2	2,100	24.4
White	5,762	75.6	5,626	72.2	5,615	75.3	6,215	72.3

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	21	7.6	11	4.8	11	3.9	19	5.6
White	230	83.3	185	80.8	207	73.7	223	65.6

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	9	3.2	19	4.7	8	2.3	7	2.0
White	268	95.7	377	94.0	328	95.6	329	95.1

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	26	5.1	67	3.6	411	64.9
White	457	89.4	1,730	91.8	123	19.4

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Missouri

Budget

The state increased its higher education operating budget four percent between fiscal years 1997 and 1998, from $630.5 million to $655 million. It increased funding for grants and scholarships by approximately the same amount.

Legal Developments

OCR declared Missouri in compliance with Title VI in 1989.

New Policies

The state is implementing new high school course curriculum requirements as well as college admissions criteria for public institutions. Institutions will operate under specific mission statements, with five universities using more selective entrance requirements and offering no remediation activities. As a result, remediation will fall largely to community colleges and the state's two open-enrollment institutions, one of which is historically black Lincoln University. The state also created a new technical college, Linn State, to offer certificates and associate degrees.

The state is hoping to expand cooperation between K-12 and postsecondary education through a new law requiring colleges to report back to high schools on the success of their students. State education leaders already are conducting a long-term study on high school experiences that lead to college success. One goal of this program is to provide statistical data on the number of college students needing remedial math and English, broken down by the high schools where they received their diplomas.

Promising Practices

State support for need-based financial aid at public institutions increased steadily for the five-year period ending with the 1995-96 academic year. From 1990 to 1995, need-based aid increased 47 percent, to $255 million. The number of awards also increased 20 percent, to more than 72,000.

The state's performance funding system, Funding for Results, has focused on raising enrollment, retention and graduation of underrepresented groups. Under the program, two- and four-year institutions can receive a financial bonus for each graduate who is black, Hispanic or Native American. The state also identifies Pell Grant recipients as an underrepresented group, which means institutions can receive the same bonus for graduating these students as well. Other performance indicators for two-year institutions include transfers to four-year institutions and successful job placement. Criteria for four-year colleges and universities include quality of prospective teachers, performance of graduates, graduation rates and quality of new graduate students.

The Missouri Coordinating Board of Higher Education, the Missouri State Board of Education and the University of Missouri Board of Curators jointly appointed 22 prominent education, government and business leaders to serve

on the Missouri K-16 coalition. The coalition will work to create a seamless education system and to raise expectations and performance levels of all students, from kindergarten through the baccalaureate degree.

The Heartland's Alliance for Minority Participation is a comprehensive, multidisciplinary program designed to increase the quantity and quality of underrepresented students who receive baccalaureate and graduate degrees in science, mathematics, engineering and technology. Members of the alliance include the Missouri Coordinating Board for Higher Education, the Missouri Department of Education and Secondary Education, the Missouri Department of Conservation, the Missouri Department of Natural Resources, the University of Missouri system, Lincoln University, the St. Louis Community College system, Southeast Missouri State University, Southwest Missouri State University, Central Missouri State University and the Metropolitan Community Colleges.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	592,389	11.1	64,334	13.0
White	4,617,507	86.2	413,116	83.4

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	974	6.2
White	13,586	86.8

Other TWIs

	Number	Percent
Black	2,865	5.3
White	48,143	88.3

HBCUs

	Number	Percent
Black	1,071	45.0
White	1,225	51.4

Average Family Income, 1995

Black	$19,384
White	$33,799

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Missouri	50.5
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	5,420	11.1	1,060	6.8
White	42,386	86.7	13,576	87.7

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	4,148	6.0	3,915	5.7	4,675	5.9	4,910	6.8
White	62,769	91.5	62,520	91.0	71,050	89.8	62,954	86.8

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	524	3.9	580	4.3	542	3.8	750	4.8
White	12,568	94.1	12,514	92.4	12,933	90.4	13,576	86.7

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	5	1.4	7	2.5	6	1.8	7	2.1
White	293	83.2	190	68.3	225	66.0	181	53.1

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	9	1.4	18	2.7	20	3.0	16	2.4
White	633	95.9	642	94.7	588	88.4	565	85.2

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	59	2.5	141	3.2	41	21.8
White	1,845	79.0	3,986	89.6	136	72.3

North Carolina

Budget

Operating expenses for higher education increased about 8 percent during the past two years.

Legal Developments

Legal issues attendant to desegregation were resolved differently in North Carolina than in other states. North Carolina's two-year colleges filed their own desegregation plan in 1978, which was accepted, and OCR found the state's two-year college system in compliance with Title VI in 1988. The University of North Carolina system submitted several plans in the late 1970s that were rejected by OCR. The U.S. Department of Education and UNC reached agreement on a desegregation plan in the 1980s, which gained court approval and became known as the Consent Decree. This decree expired in 1988.

In 1996, a law student at the University of North Carolina-Chapel Hill filed suit challenging the state's Minority Presence Grants program, which provides other-race scholarships at public institutions. The suit also challenged affirmative action practices in UNC-Chapel Hill undergraduate admissions and a UNC-Chapel Hill Law School scholarship established by private individuals for supporters of gay and lesbian causes. The state moved to sever the other-race and Chapel Hill complaints, claiming they are separate issues with no direct relationship to each other. A district court sided with the state. The student refiled the suit against the Minority Presence program in 1997 but has yet to file a new complaint against the Chapel Hill policies.

Other-race scholarships have faced some opposition from minority students as well. More than 1,000 students at historically black North Carolina Central University signed a petition opposing other-race scholarships in 1996 after the university advertised for non-black applicants.

New Policies

Citing concern about a *Hopwood*-like suit, the president of the University of North Carolina system has asked each of the university's campuses to review its affirmative action policies and, where necessary, to make changes to them to ensure that they will not be challenged. As a result of this ongoing review, several campuses, including the state's flagship institution, the University of North Carolina-Chapel Hill, have opened up scholarship and support programs once geared exclusively for black students to all students.

Early intervention and articulation between two- and four-year institutions have been high-priority issues for both lawmakers and educators. The Legislative College Opportunity Program targets students at risk of dropping out of high school and those unlikely to attend college. Each of the 16 campuses in the UNC system will receive $50,000 to conduct outreach and planning efforts with students and their parents. Goals of the program are to increase middle school and high school achievement for low-income or first-generation college students, with long-term objectives for

the students to enroll in and complete college.

Each UNC campus will work with schools in its geographic area and provide mentoring, academic tutoring, career planning and leadership development activities. Participating students must complete a high school curriculum of core courses that are necessary to gain college admission. Students who continue with the program through graduation can receive a scholarship equal to tuition, fees and books for the freshman year.

A recent state plan called for better recruitment, advising and support of black students and statewide liaisons between higher education institutions and public schools. Cooperative efforts will include eight regional workshops for guidance and counseling staff to increase student and parent awareness about the multi-racial character of state institutions. Colleges and universities also must visit at least the same number of public schools visited during the 1993-94 school year, when officials conducted 3,800 visits.

Each traditionally white institution with 4,000 or more full-time equivalent students must visit at least 100 high schools in the state with more than 15 percent black enrollment. To promote transfers, universities must visit each community college and private junior college in its county, and each community college must get an annual visit from at least one HBCU. Doctoral-degree-granting institutions must make at least one recruiting visit a year to each HBCU and to at least three historically black private colleges in the state. In addition, TWIs must bring a specified number of minority students to campus for visits.

A new state law prescribes penalties for colleges and universities in which out-of-state students represent more than 18 percent of students. Institutions that exceed this threshold for two consecutive years could lose a portion of their state appropriations. Those that exceeded this threshold in 1995 included two historically black colleges and universities, North Carolina A&T University and Fayetteville State University, as well as other urban campuses throughout the state.

Promising Practices

The state's Minority Presence Grants program has funded other-race scholarships at higher education institutions for nearly 20 years. The program funded 1,369 scholarships totaling $1.14 million for the 1994-95 academic year. Of this total, North Carolina Central provided 102 scholarships for white students at a cost of $144,500, while North Carolina A&T provided 235 scholarships with $125,000. Overall, North Carolina's public institutions provided 171 other-race scholarships for graduate education.

By targeting both black and white students, state officials believe they can promote desegregation but avoid *Hopwood*-type litigation. For the 1995-96 year, the average other-race scholarship was $425 for undergraduate study and $728 for graduate study.

The Minority Presence Grants program also requires all UNC institutions to design a plan with policies to recruit and retain minority students. As a result, North Carolina State University has established minority coordinators at all 10 of its colleges who focus on recruitment and retention issues. These coordinators also link entering students to upper-class peer mentors. Statewide, the Minority Presence Grants program also requires colleges to maintain affirmative action plans in employment.

Education Week, March 18, 1998

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,610,979	22.0	184,864	26.3
White	5,403,936	73.8	478,462	68.1

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	1,528	10.6
White	11,787	81.8

Other TWIs

	Number	Percent
Black	7,284	9.7
White	63,228	84.5

HBCUs

	Number	Percent
Black	13,649	86.6
White	1,740	11.0

Average Family Income, 1995

Black	$22,789
White	$38,239

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
North Carolina	37.8
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Access To College

High School Graduates 1995/96 and First-Time, Full-Time Freshmen 1996

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	16,266	27.3	5,198	23.5
White	41,076	69.0	15,711	71.2

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	15,774	20.7	14,074	18.2	20,070	20.0	22,461	21.4
White	59,048	77.5	61,334	79.1	76,350	76.3	76,755	73.1

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	2,577	16.3	2,652	16.6	2,697	14.5	3,672	16.3
White	12,902	81.8	12,918	80.9	15,200	81.7	17,788	78.8

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	10	2.1	23	4.5	28	3.9	47	6.3
White	386	80.9	407	80.3	539	75.1	504	67.2

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	50	10.9	76	14.9	65	10.1	108	15.2
White	401	87.7	422	82.6	552	85.4	562	79.3

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	83	4.1	180	3.3	672	56.6
White	1,818	88.9	4,895	90.4	351	29.6

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Ohio

Budget

Higher education has received budget increases averaging about 7 percent each of the last two years.

Legal Developments

Ohio was referred to the Department of Justice in 1982 after it refused to submit an acceptable desegregation plan. The case never went to court and reverted back to OCR in the 1990s. OCR began an investigation in 1994 that was later postponed. Subsequently the state's higher education leaders entered into negotiations with OCR. OCR terminated discussions in 1997, citing frustration with lack of progress on proposals to enhance historically black Central State University. OCR then re-opened its investigation of the state's compliance with Title VI. Agreement between the state and OCR was reached in February 1998 and is described on page 38.

New Policies

The agreement between OCR and the state calls for Central State to:

- raise admission standards for freshmen entering after July 1, 1998;
- reduce its attrition rate to a level agreed to by the Board of Regents;
- reduce its cohort default rate on student loans to below 21 percent, about three times the state average;
- develop collaborative agreements with other colleges and universities so that students can supplement their studies by taking courses not available at Central State at other public institutions;
- obtain accreditation or re-accreditation for programs in urban education, manufacturing engineering, business, fine and performing arts, and social work;
- restrict its academic programs for the 1997-98 year to three colleges – business, education, and arts and sciences – and reduce faculty levels accordingly.

The state invested $29.3 million in the institution for the most recent biennium.

Elsewhere, a proposed state funding change for public law schools drew concern from institutions with a large minority base. The Board of Regents had recommended a new funding approach based on grade point averages and standardized test scores rather than enrollment. Several urban law schools, including Cleveland State University, expressed concern that such a plan could hurt minority and part-time students. The Regents decided not to pursue this plan but may revisit the funding issue at a later date.

Promising Practices

The Student Achievement in Research and Scholarship (STARS) program provides mentoring, referral services and financial assistance to increase the number of blacks, Hispanics and Native Americans in Ohio graduate schools. The

program targets freshmen and sophomores at Ohio institutions who have at least a 3.0 grade point average on a 4.0 scale.

Students selected for the program are matched with faculty mentors and are eligible for paid research assistantships of up to $2,400. They participate in research projects with mentors and academic workshops to prepare for graduate examinations. Juniors enrolled in the STARS program with cumulative grade point averages of 3.5 in their majors and 3.2 overall receive early admission into an Ohio graduate program. Those who enter graduate school through STARS will receive guaranteed financial help for their first year of graduate education.

Though the program seeks to increase the number of minority Ph.D.s at Ohio colleges and universities, students are not obligated to pursue their doctoral degree at an Ohio institution. Sponsors believe this policy helps develop a positive attitude toward the program by making it clear that the state views student success as its central goal.

Ohio has developed a number of partnerships between higher education and K-12 schools. These partnerships were formed around individual programs to address various transitional issues in education until ultimately, over time, an emerging agenda was created for a K-16 continuum. The State Board of Education and the Board of Regents have created a Joint Council as a mechanism to ensure continued connection between the systems.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,250,834	11.2	133,491	12.7
White	9,617,466	86.1	882,379	84.0

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	2,244	7.4
White	24,576	81.2

Other TWIs

	Number	Percent
Black	10,667	8.3
White	111,953	86.7

HBCUs

	Number	Percent
Black	1,656	94.2
White	39	2.2

Average Family Income, 1995

Black	$23,262
White	$38,051

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Ohio	70.9
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Access To College

High School Graduates 1995-96 / First-Time, Full-Time Freshmen 1996

	High School Graduates 1995-96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	7,475	6.8	3,108	9.1
White	87,263	79.8	29,577	86.1

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	14,692	9.0	11,264	7.4	13,266	7.3	14,567	9.0
White	146,351	89.2	136,470	89.6	160,362	88.6	136,568	84.8

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,302	4.6	1,459	5.2	1,385	4.3	1,809	5.5
White	25,902	91.8	25,629	91.8	28,620	89.6	29,006	87.9

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	64	5.2	47	3.9	58	4.2	60	3.6
White	1,024	83.2	953	79.3	809	58.5	921	55.4

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	74	4.1	116	5.7	85	4.5	135	7.1
White	1,704	94.1	1,889	92.3	1,688	88.6	1,573	82.7

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	103	3.5	336	3.7	9	7.6
White	2,438	83.5	7,783	85.6	109	92.4

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Oklahoma

Budget

State spending on higher education increased 13 percent in 1996 after a decline during the previous three years. The legislature followed that in 1997 with an increase of 9 percent.

Legal Developments

Oklahoma was found in compliance with Title VI in 1989.

New Policies

The state's Board of Regents has adopted a comprehensive plan to improve readiness for college. Stronger links among K-12, community colleges and higher education are the foundation of this plan. To promote articulation, both bachelor's degree and associate degree students take the same 37-hour core curriculum, with a guarantee that associate degree holders can transfer their degrees and meet all lower-division education requirements at four-year colleges.

K-12 and higher education linkages focus on both students and teachers. The higher education system will send information back to high schools with data on a graduate's college choice, credit load and grade point average. High school and college faculty also conduct regular reviews of high school and college curricula, while special curriculum committees created by the Board of Regents identify skills and content competencies that promote college readiness. Information on these competencies goes to both high school students and their parents.

The state plans greater use of technology so that more high schools can offer college-credit courses. Funded through the OneNet program, this initiative should address a deficiency cited by other education researchers. A 1995 report from the College Board found that only 15 percent of Oklahoma high schools offered college-credit courses in 1995, the lowest rate among Southern states. Another new state law will create local education centers as a way for schools and colleges to expand outreach and programs.

In line with the regional trend, the state has enacted a generous scholarship program, the Oklahoma Higher Learning Access Program (OHLAP). OHLAP is targeted to low-income students but also incorporates merit requirements, although its merit criteria are different than those in most other states with similar programs. Students apply for the program in the 9th or 10th grade and commit to taking 17 core academic courses for which they must earn a 2.5 grade point average or better. Those who do so will receive a scholarship that covers tuition at any public two-year or four-year institution in the state or a portion of costs at private institutions.

Promising Practices

The Regents promote early outreach to students through the Educational Planning and Assessment System (EPAS). This voluntary effort examines student preparation for college and career, and provides feedback to parents, students,

teachers and counselors. The program includes one assessment in the 8th grade and another in the 10th grade. Launched in 1993, the program has promoted awareness among students and parents and contributed to secondary school curriculum changes. From a four-site pilot, EPAS had expanded to nearly 350 school districts by 1997-98, encompassing over 85 percent of Oklahoma's 8th and 10th graders. Plans are to continue this program as long as schools are willing to participate.

School districts that participate in EPAS also can join the Oklahoma FOCUS program, which provides information on career planning and financial aid options to families with children in the 7th and 9th grades. FOCUS materials include information on college admission requirements.

The state's Minority Teacher Recruitment Center sponsors four programs that target K-12 students. The Pro Team Middle School Program encourages students to set goals such as college attendance. In high school, the Teacher Cadet program focuses specifically on teaching as a career through a year-long course taught by a master teacher at the school site. A College Partnership option gives Teacher Cadet participants a chance to interact with college faculty on both the high school and college campuses. The final component, Minority Educators Identification Service, helps minority students prepare for the Oklahoma Teacher Certification Test and operates a network linking job seekers and employers.

Academic vice presidents from Oklahoma's public colleges and universities have committed to providing direct assistance to public schools identified as low performing/high challenge based on student standardized test scores. While several colleges and universities have been individually providing assistance to these schools, this commitment will ensure statewide participation in this effort.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	247,093	7.5	28,775	8.7
White	2,649,939	80.3	250,999	76.1

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	977	7.4
White	9,337	70.3

Other TWIs

	Number	Percent
Black	1,805	4.2
White	32,434	76.3

HBCUs

	Number	Percent
Black	1,620	74.5
White	457	21.0

Average Family Income, 1995

Black	$20,923
White	$34,887

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Oklahoma	67.3
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	2,852	8.6	1,035	10.1
White	24,644	74.0	7,396	72.0

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	3,729	6.5	2,637	5.1	3,922	6.9	4,402	7.6
White	48,269	84.5	43,969	84.4	45,747	80.3	42,228	72.9

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	499	4.9	445	4.2	532	4.7	629	5.0
White	9,096	89.3	8,953	85.1	9,511	83.7	9,855	79.0

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	6	1.6	11	3.1	11	2.9	11	3.2
White	307	82.3	247	70.0	256	68.4	231	66.6

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1	0.2	8	1.4	21	3.9	14	2.3
White	394	95.2	533	93.3	477	88.8	511	84.9

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	20	2.3	64	1.9	62	59.0
White	708	80.3	2,954	88.0	31	29.5

Pennsylvania

Budget

State funding for higher education has increased about 5 percent during the past two years.

Legal Developments

Pennsylvania has been undergoing a review by OCR since 1996. See page 37.

New Policies

Despite some small enrollment gains for all minorities, a 1992 report from the Pennsylvania Higher Education Assistance Agency found minimal gains for blacks and a decline in the number of black undergraduates attending college full-time. Members of the Pennsylvania Legislative Black Caucus have called for action to reverse these trends.

Promising Practices

The Equal Opportunity Professional Program serves as a recruiting tool for Cheyney and Lincoln universities. Students are encouraged to attend these institutions as undergraduates, and are guaranteed financial support for graduate studies in the fields of medicine, law and dentistry if they enter a professional school at Pennsylvania State University, Temple University or the University of Pittsburgh.

With its Philadelphia Partnership, Pennsylvania has developed an initiative that has become a model for collaboration within the state. Through the Partnership, the Pennsylvania State University System and the Philadelphia School System are working together to increase the number of minority and low-income students who complete high school and successfully pursue baccalaureate degrees.

Selected as sophomores, students spend the summers before their junior and senior years in high school developing their academic and behavioral skills through intensive coursework designed to mirror typical college curricula and various Upward and Outward Bound-type exercises. Students who successfully complete both summer programs and who choose to attend an institution in Pennsylvania's system begin college in the summer following their high school graduation. Students are not charged a fee or tuition to participate; program costs are covered by the Partnership and the Office of the Chancellor.

Thus far, of the students who successfully completed the summer programs, 90 percent graduated from high school. Of these high school graduates, over 88 percent enrolled in institutions of higher education. Among students who have chosen to attend universities in Pennsylvania's system, over 50 percent have graduated within six years thus far. The program's success has led the university system to create a similar partnership with the Pittsburgh School District and to develop plans for the same with the Harrisburg and Erie school districts.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,125,542	9.3	112,509	10.8
White	10,445,170	86.6	870,272	83.6

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	935	3.0
White	27,415	88.2

Other TWIs

	Number	Percent
Black	10,967	8.4
White	112,175	86.1

HBCUs

	Number	Percent
Black	1,007	97.5
White	4	0.4

Average Family Income, 1995

Black	$23,679
White	$38,391

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Pennsylvania	100.0
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Access To College

High School Graduates 1995/96 and First-Time, Full-Time Freshmen 1996

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	9,860	9.5	3,257	9.1
White	89,993	86.4	30,319	84.9

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	8,910	7.3	10,380	9.2	10,864	6.9	12,909	7.9
White	108,327	88.7	100,173	88.4	140,465	88.8	139,594	86.0

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,414	5.0	1,434	5.4	1,531	5.1	1,794	5.6
White	26,083	92.2	24,810	92.6	27,220	91.2	28,367	89.0

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	31	3.1	49	4.8	42	4.0	50	3.9
White	861	86.6	795	78.6	688	65.3	790	61.6

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	38	3.3	63	5.2	86	7.7	82	6.8
White	1,079	94.0	1,125	92.7	944	84.4	975	81.3

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	58	2.2	526	4.3	55	57.3
White	2,266	86.0	10,518	86.8	25	26.0

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South Carolina

Budget

The state increased funding for higher education to support new need-based and merit-based financial aid programs and to move toward performance-based budgeting. State funds for operating expenses have increased 6 percent over two years.

Legal Developments

In 1987, South Carolina was found in compliance with Title VI by OCR.

New Policies

South Carolina is following a three-year timetable to move to 100 percent performance-based funding, the first state to rely solely on such a funding structure. The Commission on Higher Education developed 37 indicators that will take effect in 1998-99. The program began on a limited basis during the 1996-97 academic year, when the state awarded one-fourth of new higher education funds for the following year based on performance on 14 key indicators, including accessibility.

The access indicator includes the percentage of other-race students at each public institution of higher learning and the comparative retention rate of other-race students. Colleges and universities will have the flexibility to set their specific goals lower or higher depending on their individual circumstances.

According to press reports, the new funding plan has generated both controversy and confusion as institutions struggle to adapt to it. One indicator rewards institutions whose incoming students have high ACT and SAT scores. In light of this, South Carolina State University, the state's sole HBCU, raised the required test score for admission. This in turn led to a 25 percent decrease in freshman enrollment in fall 1997 and a loss in revenue of more than $500,000.

In 1995, the South Carolina Commission on Higher Education approved a major policy document which carries significant implications for the delivery of remedial coursework. When fully implemented in 2002, this policy will prohibit any public institution from offering any remedial courses. Instead, under agreements between four-year and two-year public institutions, all students at four-year institutions who require remediation may be served by neighboring technical colleges. The policy also requires the development of standardized course numbering and course syllabi, and standard entrance and exit examinations for all levels of remedial coursework.

The state began a large new need-based financial aid program in 1996. Using the same eligibility criteria as the federal government, the state covers costs not covered by federal aid. Students must maintain a 2.0 average on a 4.0 scale to receive aid, which is capped at $2,500 for full-time students and $1,250 for part-time students. For 1997, the legislature set aside $23 million for this program and a new merit-based aid program; by the fifth year of operation, the state will divide the money evenly between the two.

Promising Practices

Since its release from OCR oversight, South Carolina has implemented several initiatives to promote minority achievement efforts. In 1994, the state revised its Access and Equity program and published new program guidelines. The revised guidelines encourage institutions to achieve more positive outcomes in increasing minority enrollments and graduation rates, hiring and retaining minority faculty and professional staff, improving campus climates, and expanding the pool of minority students who will be motivated and academically prepared to succeed in college. Institutions are encouraged to establish collaborative efforts with elementary and secondary schools to address educational pipeline issues of access, retention and achievement.

In 1994, each public institution submitted to the Commission a five-year plan for expanding access and improving achievement among minorities. Every year institutions prepare progress reports on their efforts. Institutions that make no progress from one year to the next include in their reports a description of the problems encountered in trying to reach their goals and how they plan to address them.

South Carolina also supports a Graduate Incentive Scholars program with forgivable loans to other-race students for master's, first professional and doctoral study at eight institutions, including the Medical University of South Carolina, The Citadel, the University of South Carolina and South Carolina State University. The main goals of the program are to promote diversity in post-baccalaureate education and reduce the disparity between the proportion of black and white state residents who complete graduate and professional programs. Another objective is to increase the supply of other-race faculty and administrative staff at the state's public institutions. Students gain loan forgiveness if they are employed in South Carolina after they complete their studies.

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Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,110,897	30.0	136,622	36.1
White	2,510,143	67.9	231,384	61.2

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	2,414	19.5
White	9,124	73.7

Other TWIs

	Number	Percent
Black	4,754	12.4
White	31,917	83.5

HBCUs

	Number	Percent
Black	3,508	97.9
White	61	1.7

Average Family Income, 1995

Black	$26,921
White	$39,442

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
South Carolina	100.0
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Access To College

High School Graduates 1994 95 / First-Time, Full-Time Freshmen 1996

	High School Graduates 1994 95		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	11,748	38.3	2,400	20.2
White	18,424	60.1	9,040	76.0

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	6,098	15.1	6,357	16.4	9,338	17.2	10,676	19.7
White	33,822	83.7	31,599	81.5	43,241	79.8	41,102	75.9

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	826	10.9	1,133	13.4	1,230	13.0	1,747	15.1
White	6,677	88.1	7,175	84.8	7,952	83.8	9,293	80.3

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	14	8.3	8	4.1	20	6.3	22	6.0
White	146	86.4	174	88.8	227	71.4	240	65.8

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	11	2.1	22	4.6	19	3.7	37	6.9
White	505	97.9	455	94.8	475	93.3	483	89.6

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	49	3.6	120	3.7	140	61.1
White	1,178	85.4	2,926	90.5	61	26.6

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Tennessee

Budget

State funding for higher education has increased about 9 percent during the past two years.

Legal Developments

The higher education desegregation case now known as *Geier v. Sundquist* began in 1968. It is known most for ordering the merger of traditionally white University of Tennessee-Nashville into Tennessee State University, the state's sole public HBCU. As a result of a 1984 settlement in *Geier*, the state, among other things, created a Desegregation Monitoring Committee that meets every year and files an annual report, based on institutional submissions, describing each institution's attempt to meet desegregation goals. The state also provides support for other-race scholarships as part of its desegregation effort.

The state attorney general filed a motion in 1996 to relieve the state from court oversight, arguing that Tennessee had met its burden under the *Fordice* requirements. Judge Thomas Wiseman rejected the argument in 1997, calling it "premature for the state to be removed" from court oversight.

New Policies

Members of the state's Performance Funding Task Force have changed Tennessee's landmark Performance Funding Program, a program that had rewarded institutions for achieving specific goals since 1978. The number of core categories dropped from ten to four, and the changes eliminate a standard adopted in 1992 to examine the enrollment, retention and graduation of minority students. The new policy runs from the 1997-98 academic year through the 2001-02 academic year. Institutions will receive their first assessments under the policy in August 1998 for performance funds to be distributed in the 1999-2000 academic year.

Members of the task force did not explicitly criticize the minority-based standard under the previous system. They believed, however, that institutions already receive funds through the desegregation monitoring process and that the state could better focus performance funds on other issues such as the quality of general education.

Despite elimination of the minority-specific category, educators believe that most institutions still will focus on minority issues since all colleges and universities must set minimum goals for the annual desegregation monitoring committee reports. The state master plan for education also sets minority retention and graduation goals for the year 2000. Some minority-specific factors will continue as subgoals under the new performance system. For example, a standard for student success and satisfaction allows the evaluation of institutions for certain strategies, such as retention of minority students.

The 1996 report for the state's Desegregation Monitoring Committee shows that a few institutions, including the flagship University of Tennessee at Knoxville, are behind on undergraduate minority enrollment goals for the 2000-01

academic year. The University of Tennessee at Knoxville is to reach a goal of 11 percent black enrollment by the 2000 academic year; in 1996, however, blacks represented only 4.6 percent of all undergraduates. At historically black Tennessee State, blacks made up 75 percent of the student enrollment in 1996. The long-term year 2000 goal is 50 percent.

The state awarded more than $4 million in other-race scholarships for undergraduates in 1996, including $2.3 million for 1,324 awards at Tennessee Board of Regents institutions and $1.3 million for 1,699 incentive awards at community colleges. Tennessee State University spent $924,000 for 482 scholarships for white students that year, while the University of Tennessee system provided $1.3 million for 836 awards to non-whites.

Promising Practices

Many Tennessee institutions conduct other-race recruitment efforts before students reach college age. Jackson State Community College provides support and mentoring through the Program for Academic and Career Encouragement, which brings middle and high school students to its campus. Volunteer State Community College has a formal articulation agreement, including dual enrollment courses, with Maplewood High School in Nashville, a predominantly black high school.

The "Each-One-Reach-Three" program at the University of Memphis offers a family-style mentoring program in which professionals work with college students, who in turn work with high school students. These high school youths then serve as mentors for junior high schoolers, who work with elementary-age students. The program provides tutoring, cooperative learning and social events with a focus on school and college achievement.

Other institutional efforts ease transition from two-year to four-year institutions. The University of Tennessee at Knoxville and Pellissippi State Technical Community College operate the African American Transfer Student Program that helps minority students make the adjustment to a university.

On a statewide basis, the Minority Teaching Fellows Program provides $5,000 a year, or $20,000 maximum, to minority students who agree to teach one year in Tennessee public schools for each year of the financial award. The program makes 19 awards available to freshmen each year.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	869,504	16.3	98,662	19.3
White	4,340,796	81.6	399,331	78.1

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	726	4.5
White	14,542	90.3

Other TWIs

	Number	Percent
Black	7,077	13.7
White	42,234	82.0

HBCUs

	Number	Percent
Black	4,518	80.9
White	892	16.0

Average Family Income, 1995

Black	$23,096
White	$35,445

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Tennessee	97.5
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	7,165	16.5	2,443	17.7
White	33,490	76.9	10,853	78.6

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	9,252	13.8	10,610	15.7	9,974	14.2	12,321	16.8
White	56,069	83.8	54,654	80.7	57,995	82.6	57,668	78.8

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,018	8.5	1,269	11.0	1,119	9.8	1,534	11.6
White	10,756	90.0	9,924	85.8	9,740	85.5	11,119	84.2

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	10	2.9	14	4.4	10	2.7	20	4.4
White	298	86.1	260	82.0	286	76.3	335	74.1

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	9	1.3	8	1.1	26	4.1	41	5.8
White	684	98.1	715	97.8	583	92.1	629	89.3

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	72	3.5	204	5.0	143	47.0
White	1,867	90.2	3,578	88.1	131	43.1

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Tennessee

Texas

Budget

For the 1998-99 biennium, four-year institutions received a funding increase of about 8 percent.

Legal Developments

Texas received in-depth oversight from OCR in the late 1970s, and the agency in 1981 determined that blacks remained segregated and Hispanics underrepresented in the state's higher education system. After negotiations with the federal government, the state in 1983 established a five-year plan to improve black and Hispanic representation in higher education. The most recent long-term plan, Access and Equity 2000, is an extension of that effort. OCR, however, never made a final determination of the state's Title VI compliance. It is now conducting a review in Texas.

The climate in Texas shifted considerably in 1996 after the Fifth Circuit Court of Appeals barred the University of Texas School of Law (UTL) from considering race in its admissions process. After reviewing the decision, state leaders imposed a ban on race-sensitive policies in most aspects of college operations. The Texas Higher Education Coordinating Board stopped considering race as a factor in awarding student aid, and the Texas Attorney General issued guidelines urging race-neutral admission and financial aid policies and barred the consideration of race in recruitment and retention efforts. The U.S. Supreme Court declined to hear the case.

OCR entered the debate in March 1997 when its director said colleges and universities in Texas were not bound by the court ruling, which applied only to the law school. Under mounting criticism from legal experts and elected officials, the director later reversed her stance.

Some colleges and universities reported major declines in minority enrollment as a result of the ruling. Blacks represented 5.6 percent of new students at UTL in 1996-97. In 1997-98, that number fell to just 0.9 percent. Freshman admissions at the flagship, the University of Texas at Austin (UT-Austin), also have declined among blacks and Hispanics. Additional information on the effect of *Hopwood* on black representation is found on pages 50-51.

New Policies

After considerable debate, the Texas legislature in 1997 established new ways to promote diversity in higher education without relying on race-specific measures. The most far-reaching plan requires colleges and universities to admit all applicants in the top 10 percent of their high school classes. Supporters believed that the plan would help achieve diversity in higher education given the segregation evident in most Texas school districts. "Because of the persistence of this segregation, admitting the top 10 percent of all high school students would provide a diverse population and ensure that a large, well-qualified pool of minority students was admitted to Texas universities," a summary of the plan states.

Critics of the plan were concerned that students in the top 10 percent of low-performing schools may need help at college, but sponsors noted that some institutions, including Southwest Texas State University and UT-Austin, had used similar admissions policies in the past. Under the plan, colleges and universities also have the option to extend this policy and admit anyone who ranks in the top 25 percent of their high school graduating classes.

The plan, now law, also allows institutions to consider other factors for those who do not finish in the top 10 percent or 25 percent of their classes. These factors include: socioeconomic condition; standardized test scores; academic record; home region; commitment to a certain field of study; responsibilities while attending school, including holding a job or raising a child; extracurricular activities; community involvement; personal interview; and status as first in family to attend college. In addition, institutions can consider the economic status of the applicant's school district and whether the prospective student has gained admittance to a similar out-of-state institution.

Higher education institutions must publish their admissions criteria at least a year before their application deadlines. They also must report to the Texas Higher Education Coordinating Board on their entering classes, providing a breakdown by race, ethnicity and economic status. The entire plan took effect in September 1997. In its first year, the "10 percent" law does not appear to be having the hoped-for effect. While officials raise caution about judging its long-term effects so quickly, thus far Asian American and white students appear to have benefited most. See pages 50-51 for further discussion.

Texas also joined the growing list of states with new policies inspired by Georgia's HOPE Scholarship program. To help make college more affordable, the state expanded a small tuition aid initiative into a major statewide program based on both need and merit. The Texas Tuition Assistance Grant will serve in-state students who meet federal guidelines for financial need and have a cumulative high school grade point average of 80 on a 100 scale. The legislature provided $5 million for the program this year, a large increase from past funding of only $150,000 annually.

Rules for the awards are still being drafted and the state is expected to set a maximum award as the lesser of public college tuition or a student's remaining need after family contributions and other aid. Students must maintain full-time enrollment and a 2.5 GPA to receive continuation awards.

Major changes in Texas' remediation system also will begin during the next academic year. In fall 1997 the state began encouraging students to take the Texas Academic Skills Program (TASP) test while still in high school instead of after they enroll in a postsecondary institution. The objective of the new policy is to encourage students who score poorly on TASP to take higher-level courses in high school and, in the process, avoid remediation when they reach college. Students will be encouraged to take the test any time after they pass the state's high school exit test, which can be taken as early as the spring semester of the sophomore year.

Beginning in fall 1998, all students must take the TASP test before they can enroll in higher education. Those who do not pass the TASP test go immediately into remediation at college. Under the previous policy, students had to pass the TASP test before they could take upper-level courses above 60 semester credit hours.

State lawmakers made the change in an attempt to reduce the higher-education remediation budget, estimated at $155 million for each two-year cycle. Blacks and Hispanics traditionally score lower on the test than white students. During the 1995-96 year, the first-time pass rate on TASP was 55.6 percent for white students but 34.2 percent for Hispanics and 24.8 percent for black students. Black and Hispanic students also are more likely to require remediation: from 1989 to 1995, 70 percent of blacks and 61 percent of Hispanics required remediation in math, compared to 40 percent of white students. A similar gap was evident in reading and writing.

While the change may affect how much Texas spends on remediation and when students take the test, the legislature also asked the Higher Education Coordinating Board to expand the number of exemptions from the remediation process. In 1994-95, 8.5 percent of students secured exemptions based on high scores on the ACT, SAT or high school exit test. As a result of this request, officials predict Texas will lower the threshold used to grant exemptions from TASP.

Other legislation approved in 1997 would promote articulation statewide. Lawmakers have called for the development of a core curriculum of at least 42 hours for which freshmen and sophomores could gain full transferability elsewhere in the state. The state coordinating board pledged to examine this issue.

Promising Practices

Several institutions are establishing closer connections to K-12 including the University of Texas at San Antonio which operates TexPREP. TexPREP is an intensive eight-week program for junior and senior high school students in abstract reasoning, problem-solving skills and exposure to careers in engineering and science. Over 1,500 students (81 percent minority), primarily from South Texas, have participated in the program.

The state also has re-endorsed Access and Equity 2000, its latest equal opportunity plan, despite the *Hopwood* decision. Higher education leaders saw the move as important for future data collection about the effects of *Hopwood* on minority students. The Access and Equity 2000 plan set specific goals at institutions for minority enrollment, retention and graduation at the undergraduate and graduate levels, with regular data collection so state higher education staff could monitor progress.

Though the plan remains in effect, the Texas Higher Education Coordinating Board also noted that schools must comply with all federal and state laws, which means they can no longer design race-sensitive policies to meet these goals. The board will, however, keep in place its already established data collection measures, hoping to gain important insights about the higher education enrollment patterns of minority students.

Access and Equity 2000 also calls for gains in minority staff and minority representation on major boards of higher education. These goals are not affected by the *Hopwood* decision.

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	2,218,238	11.6	253,222	12.9
White	10,894,151	57.0	944,745	48.0

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	1,329	4.3
White	20,113	64.6

Other TWIs

	Number	Percent
Black	13,501	6.8
White	131,992	66.1

HBCUs

	Number	Percent
Black	8,750	86.4
White	271	2.7

Average Family Income, 1995

Black	$25,633
White	$42,161

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Texas	100.0
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

Status Of Blacks In Higher Education: Four-Year Institutions

Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	20,286	11.9	6,218	13.8
White	95,072	55.8	26,752	59.6

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	19,281	9.6	17,845	8.7	21,438	8.8	23,580	9.8
White	156,179	77.8	155,086	75.7	168,893	69.7	152,376	63.2

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	2,176	5.4	2,328	5.5	2,626	5.5	3,571	6.5
White	33,240	82.3	33,454	79.5	36,488	77.0	38,946	71.1

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	54	4.1	41	2.8	60	3.0	76	3.2
White	1,069	80.3	1,151	78.0	1,310	66.2	1,360	57.7

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	86	4.1	109	4.5	80	3.2	200	7.8
White	1,882	89.5	2,076	86.4	1,931	76.1	1,821	70.7

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	51	2.4	309	2.0	500	75.6
White	1,816	85.6	13,074	82.8	73	11.0

Virginia

Budget

After a two-year freeze in funding for higher education, the Virginia General Assembly approved an increase of 7.4 percent for the 1997-98 year. For 1998-99, the General Assembly approved a 13 percent increase over 1997-98.

Legal Developments

Virginia submitted a statewide desegregation plan to OCR; the agency did not find the state in compliance when the plan expired in 1986 since there were a number of items unresolved relating to programs or projects at Norfolk State University and Virginia State University, the state's two public HBCUs. OCR's oversight is continuing. Members of the legislature have met with OCR representatives, and there have been ongoing communications.

Virginia is a Fourth Circuit state and is consequently bound by *Podberesky v. Kirwan*, the suit brought against the University of Maryland which precludes financial aid programs that are exclusionary by race. The scholarship and other financial aid programs that had been limited to blacks or other minority groups have been opened to all students.

In a similar development, OCR determined, in response to a complaint filed against Northern Virginia Community College (NOVA), that the college had to cease administering privately funded, race-based scholarship programs. OCR based its conclusion on the fact that NOVA was founded after the end of legal segregation and because the representation of minorities at the school is higher than it is among the population of the geographic area NOVA serves. The Leslie V. Forte Scholarship, which triggered the complaint, was an award of $500 given to no more than five students annually. For the past five years, the college has had an average enrollment of 36,566 students. The college administration supported the Forte Scholarship primarily because they saw it as an important means to build and maintain relationships with minority communities despite the low award amount. Funds for the scholarship were raised through community-oriented programs such as concerts and bake sales. Such activities, often cosponsored with other organizations such as the NAACP, brought minority families to campus.

New Policies

The General Assembly of Virginia has taken an active role in monitoring activities related to equal access and educational opportunity in the state. In 1995, the General Assembly's Joint Legislative Audit and Review Commission (JLARC) issued a report on the State Council of Higher Education for Virginia (SCHEV). JLARC noted the need for a current statewide plan for the "continued administration and monitoring of equal opportunity programs to ensure effective and efficient use of state resources."

In 1996, the General Assembly established the Commission on the Impact of Certain Federal Court Decisions on the Commonwealth's Institutions of Higher Education. The Commission was to review recent legal developments, both federal and regional, and evaluate their potential effect on opportunity for minority students in Virginia. In 1997,

the General Assembly extended the work of the Commission. The Commission was to continue examining the state's legal obligations relative to recent federal court decisions on the desegregation of public colleges and universities, and recommend more appropriate ways and strategies for implementing the objectives of the court decisions to ensure the state's compliance.

In 1998, the General Assembly approved the continuation of the Commission although its name was changed to the Commission on Access and Diversity in Higher Education in Virginia. The Commission is directed, among other things, to: monitor relevant federal and state legislation and court decisions; continue its collaborations with OCR to provide legislative representation and oversight during the civil rights audit; conduct a state examination to identify any vestiges of the dual system of higher education; and to review all preferences other than race used in college admissions processes.

SCHEV recommended in 1992 to the General Assembly that institutions raise their admission standards and that four-year institutions should not offer remedial courses after 1996. SCHEV further recommended that the senior institutions should not admit students with academic deficiencies, unless they provided the necessary support services to give the students a reasonable chance of succeeding and graduating. The General Assembly approved these recommendations.

Although SCHEV has no statutory authority to require institutions to raise admissions standards, most institutions through their Boards of Visitors have reviewed admissions policies and adjusted them where appropriate. Seven institutions, including both HBCUs (Virginia State and Norfolk State universities), raised their admissions standards. At the same time, the General Assembly approved a new policy encouraging four-year institutions to work with local community colleges to provide needed remedial course work. In 1998, the governor modified the policy to require senior institutions to contract with local community colleges to provide remedial instruction for their students who might need it. The General Assembly accepted the change recommended by the governor.

In 1994 the governor and the General Assembly asked Virginia's public colleges and universities to develop restructuring plans to: effect long-term changes in the development of faculty; ensure the effectiveness of academic offerings; minimize administrative and instructional costs; prepare for the demands of enrollment increases; and address funding priorities as approved by the General Assembly.

The restructuring initiative included the elimination and consolidation of some programs. As part of the restructuring effort, institutions were asked to examine their standards of academic progress. As a result, several insitutions have tightened these standards. At this time, it is not clear what impact these actions may have on minority students.

Virginia began its Plan for Equal Opportunity in Higher Education in 1974. While the Plan has been modified over the years, it continues as the state's coordinated effort to provide equal access to higher education. The current

implementation plan has the following components: Pre-collegiate Information, which is a cooperative program with the Virginia Department of Education; Undergraduate Student Recruitment and Retention; Graduate Recruitment and Retention; Student Cooperative Grants; and Institutional or School Specific Programs. Each year the General Assembly appropriates approximately $9 million for the implementation of the plan. Approximately every four years, at the request of SCHEV, institutions have submitted plans to expand opportunity on their own campuses. Institutions are not obligated to do so but each consistently has.

In 1998 SCHEV did not renew the contract of its long-serving executive director. In his place, SCHEV designated a former U.S. Commission on Civil Rights chairman who is known as an outspoken critic of race-sensitive policies and programs in college admissions. Before his confirmation, the designee, in a newspaper article, questioned the value of the states' two HBCUs. The chair of the state's legislative black caucus called the designee's views "extreme."

Promising Practices

Although the Better Information Project is not new, it remains, as one official described it, "the flagship program in the state" for preparing students for higher education. As indicated by its name, the goal of the Better Information Project is to provide information to students, their parents and teachers on the value of and the process for obtaining a postsecondary education. Among its components are: workshops for students, parents and school counselors; television programs for high school and middle school students and parents; workshops for teachers, counselors and others who prepare students for the SAT; booklets on topics ranging from pre-college enrichment programs to admission requirements to developing study skills; and a series of age-appropriate videos for students. The video series also includes information about financial aid and takes parents through the process of filling out federal financial aid forms step-by-step. SCHEV has found that, particularly among families in which students would be the first generation to attend college, the intricacy of the forms was confusing for parents unfamiliar with the process. The videos, funded by the U.S. Department of Education, have proved effective at providing information easily and clearly to parents.

The Washington Post, June 12, 1998.

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	1,304,656	19.5	141,100	21.7
White	4,916,097	73.6	452,711	69.7

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	1,273	10.4
White	9,166	75.1

Other TWIs

	Number	Percent
Black	7,779	9.4
White	65,716	79.4

HBCUs

	Number	Percent
Black	8,370	91.6
White	493	5.4

Average Family Income, 1995

Black	$28,565
White	$43,854

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
Virginia	67.9
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	12,469	21.4	4,113	17.3
White	41,640	71.5	17,150	72.3

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	11,769	15.2	13,103	16.3	16,403	16.0	17,422	16.7
White	64,262	83.2	65,001	80.7	78,300	76.5	75,375	72.4

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	1,633	10.4	1,628	9.5	1,834	8.8	2,814	12.1
White	13,710	87.7	15,104	88.3	17,655	84.9	18,267	78.5

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	18	3.9	19	3.6	26	3.2	48	4.6
White	414	88.7	450	85.1	619	75.3	732	69.8

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	30	3.6	42	3.3	73	6.0	91	7.8
White	808	95.8	1,231	95.6	1,084	89.2	980	83.6

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	52	2.9	267	4.1	357	62.4
White	1,570	88.8	5,745	88.3	136	23.8

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West Virginia

Budget

State spending on higher education increased 6 percent in 1997-98, with financial aid among the top priorities.

Legal Developments

West Virginia was found in compliance with Title VI by OCR in 1988.

Questions have been raised about the state's two HBCUs, West Virginia State and Bluefield State colleges. West Virginia State has a black president and several black faculty; according to recent press reports, the student body is approximately 13 percent black. Bluefield State, which has seen substantial growth in its student body since the 1960s, now has a white president, no black faculty and a black student body of approximately 8 percent. An agreement between Bluefield State and OCR will subject the institution to federal monitoring for five years; particular attention will be paid to institutional efforts at faculty recruitment and hiring.

New Policies

The state wants to raise college-going rates through new policies that promote K-12 and higher education linkages. According to the systems' plans, West Virginia's public colleges and universities will work with school districts to raise the standardized test scores of high school students. All higher education institutions must develop cooperative efforts with high schools in at least two counties to increase SAT and ACT scores.

The state also wants to increase the number of high school students taking college-level courses and send more information back to high schools about the educational attainment of their graduates.

Legislation passed in 1995 requires public institutions to develop five-year plans with goals to improve access, student performance, retention and public awareness. The State College and University Systems will receive a 3.3 percent budget increase each year if colleges and universities make progress toward these goals. The plan also requires colleges to operate more efficiently as part of that goal. West Virginia Institute of Technology ended its independent status as of July 1, 1996, and became a regional campus of West Virginia University while the West Virginia Graduate College was merged into Marshall University, effective July 1, 1997.

Promising Practices

A Health Sciences and Technology Academy at West Virginia University targets interested minority and disadvantaged youth for future careers in health care. The program offers outreach to high school students and support services from the time students leave high school until they earn degrees.

The African American Students Office at Marshall University sponsors a mentoring program for black freshmen with help from faculty, staff and upper-class students. The program focuses its guidance efforts on freshmen with ACT scores below 16 and second-year students with grade point averages below 1.6 on a 4.0 scale.

West Virginia awarded $10.5 million in its Higher Education Grant Program in 1997, a $2.4 million increase from the previous year. The state projects that 8,400 students will receive aid in 1998, a steady increase from 4,740 in the 1993-94 academic year as the student aid increases cover a larger percentage of those eligible to receive assistance.

Black Issues in Higher Education, June 11, 1998

Status Of Blacks In Higher Education: Four-Year Institutions

Demographic Characteristics

1996 Population

	Total Population		18-24 Year Old	
	Number	%	Number	%
Black	57,033	3.1	6,574	3.5
White	1,748,125	95.7	178,173	95.1

Full-Time Undergraduate Enrollment, 1996

Flagship University

	Number	Percent
Black	484	3.5
White	12,698	91.5

Other TWIs

	Number	Percent
Black	941	3.8
White	22,938	93.6

HBCUs

	Number	Percent
Black	552	13.2
White	3,579	85.6

Average Family Income, 1995

Black	$23,058
White	$27,937

Need-based Aid of Total State Financial Aid, 1995/96

	Percent
West Virginia	100.0
National Average	85.0
19 State Average	63.6
Non-Segregated States' Average	96.6

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Access To College

	High School Graduates 1995/96		First-Time, Full-Time Freshmen 1996	
	Number	Percent	Number	Percent
Black	698	3.5	545	5.4
White	19,221	95.5	9,246	92.1

Trends In Full-Time Undergraduate Enrollment

	Fall 1976 Number	Percent	Fall 1980 Number	Percent	Fall 1990 Number	Percent	Fall 1996 Number	Percent
Black	1,931	5.7	676	3.1	1,766	4.3	1,977	4.6
White	30,911	91.1	20,349	93.3	38,365	93.0	39.215	92.1

Trends Among Degree Recipients

Bachelor's Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	225	3.0	253	3.3	183	2.9	253	3.4
White	7,093	93.9	7,196	93.1	5,958	94.3	6,837	93.0

Doctoral Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	2	1.1	1	0.5	1	0.8	2	1.3
White	165	86.8	163	88.1	99	77.3	107	67.3

First Professional Degrees Awarded

	1976/77 Number	Percent	1980/81 Number	Percent	1989/90 Number	Percent	1994/95 Number	Percent
Black	6	1.9	9	2.2	3	1.0	7	2.0
White	315	97.8	389	97.0	280	92.7	321	89.7

Full-Time Faculty By Institution Type 1995/96

	Flagship		Other TWIs		HBCUs	
	Number	Percent	Number	Percent	Number	Percent
Black	31	1.9	35	2.4	23	10.3
White	1,431	89.3	1,332	91.6	190	84.8

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West Virginia

Appendix B

Summary of Recommendations from *Redeeming the American Promise*

In 1995, the Southern Education Foundation released *Redeeming the American Promise,* the report of its Panel on Educational Opportunity and Postsecondary Desegregation. The recommendations presented in the report are, we believe, as relevant now as they were three years ago and are guidelines for those responsible for building nonracial, opportunity-driven systems of higher education.

These recommendations lay the foundation for educational systems that are centered around the needs and interests of students, where choice of institutions is unfettered and success is realizable for everyone, regardless of race. Each institution in these systems has a defined and separate mission, but each is linked to the others and to elementary and high schools. The institutions and the people in these systems are accountable for their performance and rewarded for results.

Each of these recommendations is an integral part of a coherent approach to equity in higher education, and each is connected to the others. As such, they should be implemented together.

The full text of these recommendations is available from the Southern Education Foundation.

1. Address the systemic nature of the problem: Create comprehensive state plans

- Every state which formerly operated a dual system of higher education should develop a long-term plan containing comprehensive and coordinated remedies that effectively treat public schools and higher education as one system.
- As the first step in this effort, governors should convene every state agency and instrumentality responsible for the development, funding, and implementation of public policies in education and related areas to determine how best to eliminate the vestiges of segregation and advance educational opportunity.

2. Make campuses responsible: Develop institutional plans

- Each public institution of higher education should be required to develop its own plan outlining how it proposes to promote minority access and success.

3. Provide a fair start: Make access an institutional mission

- *All* colleges and universities in the state system should adopt policies and practices that will expand access to high-quality education for more minority students and promote opportunity.

4. Level the playing field: Make success a core institutional responsibility

- States and institutions should declare their commitment to success for all students and then work relentlessly to ensure it.

5. Strengthen the system: Make community colleges full partners in higher education

- State and institutional plans should promote easy transfer between two- and four-year institutions.

6. Be clear about accomplishments: Measure success and failure

- States should develop accountability measures keyed to the missions of individual institutions, as well as to indicators of progress toward institutional and statewide desegregation goals.
- All elements of higher education governance – from state boards to faculty and administrations at individual institutions – must be accountable for promoting real progress in desegregation.

7. Advance access and enhance success: Support historically black institutions

- States should take advantage of the capacity of historically black institutions to advance access and equity.
- States should enhance these institutions to promote desegregation.

8. Build on strength: Restructure systems rather than close or merge institutions

- In creating nonracial systems, states should transform institutions through new mission statements, creative program assignments, and enhanced institutional cooperation, avoiding the closure of HBCUs, and merging or consolidating institutions only as a last resort.

9. Share responsibility for effective desegregation: Promote leadership from both the public and private sectors

- Desegregation and the provision of opportunity are not exclusively the province of educators – they require collaborative leadership from all sectors.

10. Make promises real: Invest in reform

- States and the federal government must make good on their commitments to students and families by financing the promises they have made.

Appendix C

State Income Data

Money matters. Students who are not affected by poverty do better in school. They are also more prepared to meet the demands of higher education and the workplace. Substantial differences remain between black and white family income. For instance:

- In no state did average black family income reach $30,000.
- In 12 states, at least 30 percent of all black families earned less than $10,000 in 1995 – less than two-thirds of the federal poverty level for a family of four.
- In all but two states, at least 50 percent of all black families earned less than $20,000.

The table that follows provides average 1995 income by decile for black and white families in each of the 19 states.

Family Income by Decile, 1995

	Below $10,000	$10,000-19,999	$20,000-29,999	$30,000-39,999	$40,000-49,999	$50,000-59,999	$60,000-69,999	$70,000-79,999	$80,000-89,999	$90,000-99,999	$100,000 & Up
Regional Average Black	**32.1**	**24.0**	**14.9**	**9.7**	**6.3**	**4.6**	**3.2**	**1.5**	**1.1**	**0.8**	**1.7**
Regional Average White	**14.7**	**18.7**	**16.3**	**13.4**	**9.9**	**7.5**	**5.7**	**3.8**	**2.5**	**1.9**	**5.5**
Alabama											
Black	37.9	27.8	15.3	7.1	3.6	3.4	–	1.4	1.3	1.6	0.6
White	15.5	19.8	13.7	14.1	10.3	7.5	7.2	3.4	2.1	1.6	4.9
Arkansas											
Black	43.5	30.3	10.7	7.0	3.1	2.8	–	0.7	1.0	0.9	–
White	17.9	19.2	19.9	13.8	9.7	6.9	4.8	2.5	2.5	1.0	1.8
Delaware											
Black	18.6	32.6	12.0	16.0	8.9	2.4	4.0	2.7	–	–	2.9
White	11.2	17.5	15.5	14.7	9.2	9.9	3.9	4.4	3.8	3.1	6.7
Florida											
Black	27.4	25.5	16.4	9.8	6.8	2.8	5.1	2.2	1.8	0.6	1.6
White	14.8	20.0	18.1	13.0	8.5	6.5	5.4	3.9	2.8	1.8	5.2
Georgia											
Black	27.7	23.9	19.0	8.9	5.0	4.2	3.6	2.1	0.8	1.3	3.5
White	12.7	17.6	15.6	14.3	11.9	8.4	4.8	4.2	2.9	1.6	5.9
Kentucky											
Black	41.3	16.0	24.7	2.6	6.1	–	4.7	2.9	–	1.7	–
White	19.4	23.2	17.1	11.4	6.7	6.9	4.3	3.5	1.3	1.0	5.1
Louisiana											
Black	39.4	27.1	11.0	8.8	5.5	4.6	0.7	0.9	–	0.8	1.2
White	18.7	18.4	16.1	13.1	9.3	6.5	3.7	3.5	3.3	2.1	5.3
Maryland											
Black	27.7	18.2	17.6	9.0	8.3	8.2	4.0	3.0	1.1	0.8	2.1
White	9.9	16.4	15.6	12.0	10.4	9.7	6.4	4.5	3.9	2.3	9.0
Mississippi											
Black	36.2	25.8	18.7	9.2	5.8	1.4	1.5	0.5	0.4	–	0.6
White	16.8	19.5	18.1	12.1	10.7	7.3	5.2	3.3	1.8	1.5	3.6

Missouri											
Black	47.1	18.6	8.9	10.6	5.8	1.5	3.7	_	_	_	3.6
White	15.7	21.4	16.1	15.1	12.1	6.8	3.9	3.0	1.3	0.7	3.9
North Carolina											
Black	35.7	25.8	9.4	10.6	6.4	5.9	2.5	1.3	0.5	0.5	1.2
White	13.7	19.7	16.6	13.2	10.5	7.5	5.3	3.8	2.4	2.1	5.2
Ohio											
Black	31.9	23.9	17.3	10.7	6.0	3.6	2.8	0.6	0.8	1.1	1.4
White	15.2	17.9	15.0	13.4	10.7	8.0	6.1	4.1	2.8	2.1	4.7
Oklahoma											
Black	43.2	21.6	5.7	11.9	6.2	2.3	4.5	2.6	_	1.9	_
White	16.6	22.5	15.5	13.6	8.9	7.1	5.1	2.7	1.6	1.2	5.3
Pennsylvania											
Black	39.0	19.2	13.0	10.3	4.7	5.8	2.1	1.4	1.5	0.4	2.5
White	14.1	18.9	16.3	13.1	10.5	8.1	5.6	3.8	2.8	1.7	5.3
South Carolina											
Black	27.7	25.9	11.5	10.8	8.3	5.2	4.2	1.2	1.9	2.0	1.3
White	15.4	18.9	16.2	11.1	11.0	5.9	5.3	4.8	2.8	2.5	6.3
Tennessee											
Black	33.3	21.8	18.7	9.7	3.9	7.4	1.5	0.6	1.9	_	1.2
White	15.5	17.3	18.6	16.9	10.6	5.9	5.3	3.2	1.2	0.7	4.8
Texas											
Black	28.2	26.9	12.2	11.0	8.3	4.2	4.4	1.7	1.1	0.3	1.7
White	13.0	16.3	16.2	12.9	8.9	7.6	7.8	4.3	2.7	2.9	7.4
Virginia											
Black	26.2	20.4	16.4	10.0	8.1	7.0	5.6	1.3	2.1	0.9	2.0
White	10.8	15.3	14.6	14.9	10.0	8.7	7.2	5.1	3.1	2.8	7.4
West Virginia											
Black	38.5	24.2	8.2	5.8	_	19.1	4.1	_	_	_	_
White	24.5	22.5	16.3	13.8	6.3	7.0	3.7	1.9	1.6	1.1	1.4

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